

109TH CONGRESS
2D SESSION

S. 1052

[Report No. 109-]

To improve transportation security, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 17, 2005

Mr. STEVENS (for himself, Mr. INOUE, Mr. ROCKEFELLER, Mr. DORGAN, Ms. SNOWE, Mrs. BOXER, Ms. CANTWELL, Mr. LAUTENBERG, Mr. PRYOR, Mrs. CLINTON, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

JANUARY —, 2006

Reported by Mr. STEVENS with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To improve transportation security, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

[Original text omitted in this copy]

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) *SHORT TITLE.*—*This Act may be cited as the*
5 *“Transportation Security Improvement Act of 2005”.*

1 (b) *TABLE OF CONTENTS.—The table of contents for*
2 *this Act is as follows:*

Sec. 1. Short title; table of contents.

Title I—Authorizations

Sec. 101. Transportation Security Administration authorization.

Sec. 102. Department of Transportation authorization.

Sec. 103. Technology for transportation security.

Sec. 104. Reorganizations.

Sec. 105. TSA acquisition management policy.

TITLE II—IMPROVED AVIATION SECURITY

Sec. 201. Post-fiscal year 2006 air carrier security fees.

Sec. 202. Alternative collection methods for passenger security fee.

Sec. 203. Employee retention internship program.

Sec. 204. Repair station security.

TITLE III—IMPROVED RAIL SECURITY

Sec. 301. Short title.

Sec. 302. Rail transportation security risk assessment.

Sec. 303. Systemwide AMTRAK security upgrades.

Sec. 304. Fire and life-safety improvements.

Sec. 305. Freight and passenger rail security upgrades.

Sec. 306. Rail security research and development.

Sec. 307. Oversight and grant procedures.

Sec. 308. AMTRAK plan to assist families of passengers involved in rail passenger accidents.

Sec. 309. Northern border rail passenger report.

Sec. 310. Rail worker security training program.

Sec. 311. Whistleblower protection program.

Sec. 312. High hazard material security threat mitigation plans.

Sec. 313. Memorandum of agreement.

Sec. 314. Rail security enhancements.

Sec. 315. Public awareness.

Sec. 316. Railroad high hazard material tracking.

TITLE IV—IMPROVED MOTOR CARRIER, BUS, AND HAZARDOUS MATERIAL SECURITY

Sec. 401. Written plans for hazardous materials highway routing.

Sec. 402. Motor carrier high hazard material tracking.

Sec. 403. Truck leasing security training guidelines.

Sec. 404. Hazardous materials security inspections and enforcement.

Sec. 405. Truck security assessment.

Sec. 406. Pipeline security and incident recovery plan.

Sec. 407. Pipeline security inspections and enforcement.

Sec. 408. Memorandum of agreement.

Sec. 409. National public sector response system.

Sec. 410. Over-the-road bus security assistance.

TITLE V—IMPROVED MARITIME SECURITY

Sec. 501. Establishment of additional interagency operational centers for port security.

Sec. 502. Area maritime transportation security plan to include salvage response plan.

Sec. 503. Post-incident resumption of trade.

Sec. 504. Assistance for foreign ports.

Sec. 505. Improved data for targeted cargo searches.

Sec. 506. Technical requirements for non-intrusive inspection equipment.

Sec. 507. Random inspection of containers.

Sec. 508. Cargo security.

Sec. 509. Secure systems of international intermodal transportation.

Sec. 510. Port security user fee study.

Sec. 511. Deadline for transportation security cards.

Sec. 512. Port security grants.

Sec. 513. Customs-Trade Partnership Against Terrorism security validation program.

Sec. 514. Work stoppages and employee-employer disputes.

Sec. 515. Appeal of denial of waiver for transportation security card.

Sec. 516. Inspection of car ferries entering from Canada.

1 **TITLE I—AUTHORIZATIONS**

2 **SEC. 101. TRANSPORTATION SECURITY ADMINISTRATION**

3 **AUTHORIZATION.**

4 *Section 114 of title 49, United States Code, is amended*
 5 *by adding at the end thereof the following:*

6 “(u) *AUTHORIZATION OF APPROPRIATIONS.—There*
 7 *are authorized to be appropriated to the Secretary of Home-*
 8 *land Security—*

9 “(1) *for Aviation Security—*

10 “(A) *\$5,000,000,000 for fiscal year 2007;*

11 “(B) *\$5,250,000,000 for fiscal year 2008;*

12 *and*

13 “(C) *\$5,500,000,000 for fiscal year 2009;*

14 “(2) *for Surface Transportation Security—*

15 “(A) *\$265,000,000 for fiscal year 2007;*

16 “(B) *\$228,000,000 for fiscal year 2008; and*

17 “(C) *\$230,000,000 for fiscal year 2009;*

1 “(3) *for Intelligence—*

2 “(A) \$30,000,000 *for fiscal year 2007;*

3 “(B) \$32,000,000 *for fiscal year 2008; and*

4 “(C) \$34,000,000 *for fiscal year 2009;*

5 “(4) *for Research and Development—*

6 “(A) \$65,000,000 *for fiscal year 2007;*

7 “(B) \$67,000,000 *for fiscal year 2008; and*

8 “(C) \$69,000,000 *for fiscal year 2009; and*

9 “(5) *for Administration—*

10 “(A) \$530,000,000 *for fiscal year 2007;*

11 “(B) \$535,000,000 *for fiscal year 2008;*

12 *and*“(C) \$540,000,000 *for fiscal year*
13 *2009.”.*

14 **SEC. 102. DEPARTMENT OF TRANSPORTATION AUTHORIZA-**
15 **TION.**

16 *There are authorized to be appropriated to the Sec-*
17 *retary of Transportation to carry out title III of this Act*
18 *and sections 20118 and 24316 of title 49, United States*
19 *Code, as added by title III of this Act—*

20 (1) \$225,000,000 *for fiscal year 2007;*

21 (2) \$223,000,000 *for fiscal year 2008; and*

22 (3) \$223,000,000 *for fiscal year 2009.*

23 **SEC. 103. TECHNOLOGY FOR TRANSPORTATION SECURITY.**

24 (a) **MINIMUM TECHNOLOGY IMPLEMENTATION AU-**
25 **THORIZATION.**—*Section 70107(i)(2)(B) of title 46, United*

1 *States Code, is amended by inserting “not less than” after*
2 *“Secretary”.*

3 (b) *SET-ASIDES FOR RESEARCH AND DEVELOP-*
4 *MENT.—Notwithstanding any provision of law to the con-*
5 *trary, in the administration of the Department of Home-*
6 *land Security, the Secretary of Homeland Security shall*
7 *ensure that, for each fiscal year beginning after the date*
8 *of enactment of this Act, not less than—*

9 (1) *8 percent of the amounts appropriated to the*
10 *Transportation Security Administration and the Di-*
11 *rectorate of Science and Technology for research and*
12 *development for the fiscal year are obligated or ex-*
13 *pended for maritime security related projects or pro-*
14 *grams, including ferry systems;*

15 (2) *2 percent of such amounts are obligated or*
16 *expended for rail security related projects or pro-*
17 *grams.*

18 (c) *STRATEGIC PLAN.—*

19 (1) *IN GENERAL.—Within 120 days after the*
20 *date of enactment of this Act, the Secretary of Home-*
21 *land Security shall promulgate a strategic plan for*
22 *transportation research and development. The Sec-*
23 *retary shall update the plan no less frequently than*
24 *every 2 years thereafter.*

1 (2) *CONTENTS.—In the strategic plan, the Sec-*
2 *retary shall—*

3 (A) *ensure that the research needs for secu-*
4 *rity of all modes of transportation, including*
5 *aviation, maritime, rail, pipeline, and transit*
6 *security, are addressed;*

7 (B) *identify goals and include measurable*
8 *objectives;*

9 (C) *include an adequate amount of basic re-*
10 *search;*

11 (D) *define the research and development*
12 *roles of the Transportation Security Administra-*
13 *tion and the Directorate of Science and Tech-*
14 *nology, respectively, to ensure that—*

15 (i) *they are aligned;*

16 (ii) *the efficient use of research funds*
17 *is maximized; and*

18 (iii) *duplication of projects is pre-*
19 *vented or minimized;*

20 (E) *coordinate transportation research and*
21 *development under the plan with the transpor-*
22 *tation research and development, including*
23 *interoperable communications, activities of other*
24 *Federal agencies, including the Department of*

1 *Transportation and the National Aeronautics*
2 *and Space Administration; and*

3 *(F) base the plan on vulnerability and*
4 *criticality assessments.*

5 *(3) ANNUAL EVALUATION.—The Homeland Secu-*
6 *rity Science and Technology Advisory Committee*
7 *shall evaluate the plan by October 15th each year,*
8 *measure progress under the plan against the goals set*
9 *forth in the plan, and recommend changes to the*
10 *transportation security research program under the*
11 *plan.*

12 *(4) ANNUAL REPORT TO CONGRESS.—The Sec-*
13 *retary shall transmit a copy of the strategic plan, and*
14 *any revisions of that plan, and a copy of the annual*
15 *evaluations and recommendations made by the Advi-*
16 *sory Committee to the Congress.*

17 *(d) NIST TRANSPORTATION SECURITY PROGRAM.—*
18 *The Secretary of Homeland Security may transfer up to*
19 *\$15,000,000 each fiscal year to the National Institute of*
20 *Science and Technology to be obligated or expended for a*
21 *focused program in transportation security under section*
22 *28 of the National Institute of Science and Technology Act*
23 *(15 U.S.C. 278n).*

24 *(e) ESTABLISHMENT OF COMPETITIVE RESEARCH*
25 *PROGRAM.—*

1 (1) *IN GENERAL.*—*Title III of the Homeland Se-*
2 *curity Act of 2002 (6 U.S.C. 181 et seq.) is amended*
3 *by adding at the end the following:*

4 **“SEC. 314. COMPETITIVE RESEARCH PROGRAM.**

5 “(a) *IN GENERAL.*—

6 “(1) *ESTABLISHMENT.*—*The Secretary, acting*
7 *through the Under Secretary for Science and Tech-*
8 *nology, shall establish a competitive research program*
9 *within the Directorate.*

10 “(2) *DIRECTOR.*—*The program shall be headed*
11 *by a Director, who shall be appointed by the Sec-*
12 *retary. The Director shall report to the Under Sec-*
13 *retary.*

14 “(3) *DUTIES OF DIRECTOR.*—*In the administra-*
15 *tion of the program, the Director shall—*

16 “(A) *establish a cofunding mechanism for*
17 *States with academic facilities that have not*
18 *fully developed security-related science and tech-*
19 *nology to support burgeoning research efforts by*
20 *the faculty or link them to established investiga-*
21 *tors;*

22 “(B) *provide for conferences, workshops,*
23 *outreach, and technical assistance to researchers*
24 *and institutions of higher education in States on*
25 *topics related to developing science and tech-*

1 *nology expertise in areas of high interest and rel-*
2 *evance to the Department;*

3 “(C) *monitor the efforts of States to develop*
4 *programs that support the Department’s mis-*
5 *sion;*

6 “(D) *implement a merit review program,*
7 *consistent with program objectives, to ensure the*
8 *quality of research conducted with Program*
9 *funding; and*

10 “(E) *provide annual reports on the progress*
11 *and achievements of the Program to the Sec-*
12 *retary.*

13 “(b) *ASSISTANCE UNDER THE PROGRAM.—*

14 “(1) *SCOPE.—The Director shall provide assist-*
15 *ance under the program for research and development*
16 *projects that are related to, or qualify as, homeland*
17 *security research (as defined in section 307(a)(2))*
18 *under the program.*

19 “(2) *FORM OF ASSISTANCE.—Assistance under*
20 *the program can take the form of grants, contracts, or*
21 *cooperative arrangements.*

22 “(3) *APPLICATIONS.—Applicants shall submit*
23 *proposals or applications in such form, at such times,*
24 *and containing such information as the Director may*
25 *require.*

1 “(c) *IMPLEMENTATION.*—

2 “(1) *START-UP PHASES.*—*For the first 3 fiscal*
3 *years beginning after the date of enactment of the*
4 *Border Infrastructure and Technology Integration Act*
5 *of 2004, assistance under the program shall be limited*
6 *to institutions of higher education located in States*
7 *in which an institution of higher education with a*
8 *grant from, or a contract or cooperative agreement*
9 *with, the National Science Foundation under section*
10 *113 of the National Science Foundation Act of 1988*
11 *(42 U.S.C. 1862) is located.*

12 “(2) *SUBSEQUENT FISCAL YEARS.*—

13 “(A) *IN GENERAL.*—*Beginning with the 4th*
14 *fiscal year after the date of enactment of this*
15 *Act, the Director shall rank order the States (ex-*
16 *cluding any noncontiguous State (as defined in*
17 *section 2(14)) other than Alaska, Hawaii, the*
18 *Commonwealth of Puerto Rico, and the Virgin*
19 *Islands) in descending order in terms of the av-*
20 *erage amount of funds received by institutions of*
21 *higher education (as that term is defined in sec-*
22 *tion 101(a) of the Higher Education Act of 1965*
23 *(20 U.S.C. 1001(a)) in each State that received*
24 *financial assistance in the form of grants, con-*

1 *tracts, or cooperative arrangements under this*
2 *title during each of the preceding 3 fiscal years.*

3 “(B) *ALLOCATION.*—*Beginning with the 4th*
4 *fiscal year after the date of enactment of this*
5 *Act, assistance under the program for any fiscal*
6 *year is limited to institutions of higher edu-*
7 *cation located in States in the lowest third of*
8 *those ranked under subparagraph (A) for that*
9 *fiscal year.*

10 “(C) *DETERMINATION OF LOCATION.*—*For*
11 *purposes of this paragraph, an institution of*
12 *higher education shall be considered to be located*
13 *in the State in which its home campus is lo-*
14 *cated, except that assistance provided under the*
15 *program to a division, institute, or other facility*
16 *located in another State for use in that State*
17 *shall be considered to have been provided to an*
18 *institution of higher education located in that*
19 *other State.*

20 “(D) *MULTIYEAR ASSISTANCE.*—*For pur-*
21 *poses of this paragraph, assistance under the*
22 *program that is provided on a multi-year basis*
23 *shall be counted as provided in each such year*
24 *in the amount so provided for that year.*

1 “(d) *FUNDING.*—*The Secretary shall ensure that no*
2 *less than 5 percent of the amount appropriated for each*
3 *fiscal year to the Acceleration Fund for Research and Devel-*
4 *opment of Homeland Security Technologies established by*
5 *section 307(c)(1) is allocated to the program established by*
6 *subsection (a).*”.

7 (2) *CONFORMING AMENDMENT.*—*The table of*
8 *contents of the Homeland Security Act of 2002 is*
9 *amended by inserting after the item relating to sec-*
10 *tion 313 the following:*

 “*Sec. 314. Competitive research program.*”.

11 **SEC. 104. REORGANIZATIONS.**

12 *The Secretary of Homeland Security shall notify the*
13 *Senate Committee on Commerce, Science, and Transpor-*
14 *tation, the Senate Committee on Homeland Security and*
15 *Governmental Affairs, and the House of Representatives*
16 *Committee on Homeland Security in writing not less than*
17 *15 days before—*

18 (1) *reorganizing or renaming offices;*
19 (2) *reorganizing programs or activities; or*
20 (3) *contracting out or privatizing any functions*
21 *or activities presently performed by Federal employ-*
22 *ees.*

23 **SEC. 105. TSA ACQUISITION MANAGEMENT POLICY.**

24 (a) *IN GENERAL.*—*Section 114 of title 49, United*
25 *States Code, is amended by striking subsection (o) and re-*

1 *designating subsections (p) through (t) as subsections (o)*
2 *through (s), respectively.*

3 *(b) EFFECTIVE DATE.—The amendment made by sub-*
4 *section (a) shall take effect 180 days after the date of enact-*
5 *ment of this Act.*

6 ***TITLE II—IMPROVED AVIATION***
7 ***SECURITY***

8 ***SEC. 201. POST-FISCAL YEAR 2006 AIR CARRIER SECURITY***
9 ***FEES.***

10 *Section 44940(a)(2) of title 49, United States Code,*
11 *is amended by adding at the end the following:*

12 *“(D) FISCAL YEARS 2007 AND LATER.—The*
13 *Assistant Secretary may not increase the avia-*
14 *tion security infrastructure fee authorized by*
15 *subparagraph (A), or impose any additional fees*
16 *under that subparagraph, after September 30,*
17 *2006, unless—*

18 *“(i) the fee or increase is imposed by*
19 *rule promulgated by the Assistant Sec-*
20 *retary; and*

21 *“(ii) not less than 60 days before its*
22 *proposed effective date, the Assistant Sec-*
23 *retary submits the rule to—*

1 “(I) the Senate Committee on
2 Commerce, Science, and Transpor-
3 tation;

4 “(II) the Senate Committee on
5 Appropriations;

6 “(III) the House of Representa-
7 tives Committee on Transportation
8 and Infrastructure;

9 “(IV) the House of Representa-
10 tives Committee on Homeland Secu-
11 rity; and

12 “(V) the House of Representatives
13 Committee on Appropriations .

14 “(E) APPLICATION OF CHAPTER 8 OF TITLE
15 5.—Chapter 8 of title 5 applies to any rule pro-
16 mulgated by the Assistant Secretary imposing a
17 fee or increasing fees under subparagraph (A)
18 after September 30, 2006.”.

19 **SEC. 202. ALTERNATIVE COLLECTION METHODS FOR PAS-**
20 **SENGER SECURITY FEE.**

21 (a) *IN GENERAL.*—

22 (1) *STUDY.*—The Assistant Secretary of Home-
23 land Security (Transportation Security Administra-
24 tion) shall study the feasibility of collecting the pas-
25 senger security service fee authorized by section

1 44940(a) of title 49, United States Code, directly from
2 passengers at, or before they reach, the airport
3 through a system developed or approved by the Assist-
4 ant Secretary, including the use of vending kiosks,
5 other automated vending devices, the Internet, or
6 other remote vending sites.

7 (2) *SOLICITATION OF PROPOSALS.*—In carrying
8 out this subsection the Assistant Secretary shall solicit
9 proposals for such alternative collection mechanisms.

10 (3) *DEVELOPMENT OF ALTERNATIVES.*—Based
11 on the study conducted under paragraph (1) and an
12 evaluation of proposals submitted pursuant to the so-
13 licitation under paragraph (2), the Assistant Sec-
14 retary shall develop such alternative collection systems
15 as the Assistant Secretary determines to be feasible,
16 including schedules and methods to ensure the effi-
17 ciency of such systems.

18 (b) *REPORT.*—The Assistant Secretary shall report the
19 results of the study, together with any recommendations the
20 Assistant Secretary deems appropriate, to the Congress
21 within 6 months after the date of enactment of this Act.

22 (c) *DEMONSTRATION PROJECTS.*—If the Assistant Sec-
23 retary determines that a system of direct collection of such
24 fees from passengers at airports is feasible, the Assistant
25 Secretary shall conduct demonstration projects at a small

1 *hub airport, a medium hub airport, and a large hub airport*
2 *(as those terms are defined in paragraphs (42), (31), and*
3 *(29), respectively, of section 40102 of title 49, United States*
4 *Code) within 1 year after submitting the report required*
5 *by subsection (b) to the Congress.*

6 **SEC. 203. EMPLOYEE RETENTION INTERNSHIP PROGRAM.**

7 *The Assistant Secretary of Homeland Security (Trans-*
8 *portation Security Administration), shall establish a pilot*
9 *program at a small hub airport, a medium hub airport,*
10 *and a large hub airport (as those terms are defined in para-*
11 *graphs (42), (31), and (29), respectively, of section 40102*
12 *of title 49, United States Code) for training students to per-*
13 *form screening of passengers and property under section*
14 *44901 of title 49, United States Code. The program shall*
15 *be an internship for pre-employment training of final-year*
16 *students from public and private secondary schools located*
17 *in nearby communities. Under the program, participants—*

18 *(1) shall be compensated for training and serv-*
19 *ices time while participating in the program, and*

20 *(2) shall be required to agree, as a condition of*
21 *participation in the program, to accept employment*
22 *as a screener upon successful completion of the intern-*
23 *ship and upon graduation from the secondary school.*

1 **SEC. 204. REPAIR STATION SECURITY.**

2 (a) *CERTIFICATION OF FOREIGN REPAIR STATIONS*
3 *SUSPENSION.*—If the regulations required by section
4 44924(f) of title 49, United States Code, are not issued
5 within 90 days after the date of enactment of this Act, the
6 Administrator of the Federal Aviation Administration may
7 not certify any foreign repair station under part 145 of
8 title 14, Code of Federal Regulations after such 90th day.

9 (b) *6-MONTH DEADLINE FOR SECURITY REVIEW AND*
10 *AUDIT.*—Subsections (a) and (d) of section 44924 of title
11 49, United States Code, are each amended by striking “18
12 months” and inserting “6 months”.

13 **TITLE III—IMPROVED RAIL**
14 **SECURITY**

15 **SEC. 301. SHORT TITLE.**

16 This title may be cited as the “Rail Security Act of
17 2005”.

18 **SEC. 302. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
19 **MENT.**

20 (a) *IN GENERAL.*—

21 (1) *VULNERABILITY AND RISK ASSESSMENT.*—
22 The Secretary of Homeland Security shall establish a
23 task force, including the Transportation Security Ad-
24 ministration, the Department of Transportation, and
25 other appropriate agencies, to complete a vulner-
26 ability and risk assessment of freight and passenger

1 *rail transportation (encompassing railroads, as that*
2 *term is defined in section 20102(1) of title 49, United*
3 *States Code). The assessment shall include—*

4 *(A) a methodology for conducting the risk*
5 *assessment, including timelines, that addresses*
6 *how the Department of Homeland Security will*
7 *work with the entities describe in subsection (b)*
8 *and make use of existing Federal expertise with-*
9 *in the Department of Homeland Security, the*
10 *Department of Transportation, and other appro-*
11 *priate agencies;*

12 *(B) identification and evaluation of critical*
13 *assets and infrastructures;*

14 *(C) identification of vulnerabilities and*
15 *risks to those assets and infrastructures;*

16 *(D) identification of vulnerabilities and*
17 *risks that are specific to the transportation of*
18 *hazardous materials via railroad;*

19 *(E) identification of security weaknesses in*
20 *passenger and cargo security, transportation in-*
21 *frastructure, protection systems, procedural poli-*
22 *cies, communications systems, employee training,*
23 *emergency response planning, and any other*
24 *area identified by the assessment; and*

1 (F) an account of actions taken or planned by
2 both public and private entities to address identified
3 rail security issues and assess the effective integration
4 of such actions.

5 (2) *RECOMMENDATIONS.*—Based on the assess-
6 ment conducted under paragraph (1), the Secretary,
7 in consultation with the Secretary of Transportation,
8 shall develop prioritized recommendations for improv-
9 ing rail security, including any recommendations the
10 Secretary has for—

11 (A) improving the security of rail tunnels,
12 rail bridges, rail switching and car storage
13 areas, other rail infrastructure and facilities, in-
14 formation systems, and other areas identified by
15 the Secretary as posing significant rail-related
16 risks to public safety and the movement of inter-
17 state commerce, taking into account the impact
18 that any proposed security measure might have
19 on the provision of rail service;

20 (B) deploying equipment to detect explosives
21 and hazardous chemical, biological, and radio-
22 active substances, and any appropriate counter-
23 measures;

1 (C) training appropriate railroad or rail-
2 road shipper employees in terrorism prevention,
3 passenger evacuation, and response activities;

4 (D) conducting public outreach campaigns
5 on passenger railroads;

6 (E) deploying surveillance equipment; and

7 (F) identifying the immediate and long-
8 term costs of measures that may be required to
9 address those risks.

10 (3) *PLANS.*—The report required by subsection
11 (c) shall include—

12 (A) a plan, developed in consultation with
13 the freight and intercity passenger railroads, and
14 State and local governments, for the Federal gov-
15 ernment to provide increased security support at
16 high or severe threat levels of alert;

17 (B) a plan for coordinating existing and
18 planned rail security initiatives undertaken by
19 the public and private sectors; and

20 (C) a contingency plan, developed in con-
21 junction with freight and intercity and com-
22 muter passenger railroads, to ensure the contin-
23 ued movement of freight and passengers in the
24 event of an attack affecting the railroad system,
25 which shall contemplate—

1 (i) the possibility of rerouting traffic
2 due to the loss of critical infrastructure,
3 such as a bridge, tunnel, yard, or station;
4 and

5 (ii) methods of continuing railroad
6 service in the Northeast Corridor in the
7 event of a commercial power loss, or catas-
8 trophe affecting a critical bridge, tunnel,
9 yard, or station.

10 (b) *CONSULTATION; USE OF EXISTING RESOURCES.*—

11 *In carrying out the assessment and developing the rec-*
12 *ommendations and plans required by subsection (a), the*
13 *Secretary of Homeland Security shall consult with rail*
14 *management, rail labor, owners or lessors of rail cars used*
15 *to transport hazardous materials, first responders, shippers*
16 *of hazardous materials, public safety officials, and other rel-*
17 *evant parties.*

18 (c) *REPORT.*—

19 (1) *CONTENTS.*—*Within 180 days after the date*
20 *of enactment of this Act, the Secretary shall transmit*
21 *to the Senate Committee on Commerce, Science, and*
22 *Transportation, the House of Representatives Com-*
23 *mittee on Transportation and Infrastructure, and the*
24 *House of Representatives Committee on Homeland*
25 *Security a report containing the assessment,*

1 *prioritized recommendations, and plans required by*
2 *subsection (a) and an estimate of the cost to imple-*
3 *ment such recommendations.*

4 (2) *FORMAT.*—*The Secretary may submit the re-*
5 *port in both classified and redacted formats if the*
6 *Secretary determines that such action is appropriate*
7 *or necessary.*

8 (d) *ANNUAL UPDATES.*—*The Secretary, in consulta-*
9 *tion with the Secretary of Transportation, shall update the*
10 *assessment and recommendations each year and transmit*
11 *a report, which may be submitted in both classified and*
12 *redacted formats, to the Committees named in subsection*
13 *(c)(1), containing the updated assessment and recommenda-*
14 *tions.*

15 (e) *FUNDING.*—*Out of funds appropriated pursuant to*
16 *section 114(u)(2) of title 49, United States Code, there shall*
17 *be made available to the Secretary of Homeland Security*
18 *to carry out this section \$5,000,000 for fiscal year 2007.*

19 **SEC. 303. SYSTEMWIDE AMTRAK SECURITY UPGRADES.**

20 (a) *IN GENERAL.*—*Subject to subsection (c) the Sec-*
21 *retary of Homeland Security, in consultation with the As-*
22 *sistant Secretary of Homeland Security (Transportation*
23 *Security Administration), is authorized to make grants to*
24 *Amtrak—*

1 (1) to secure major tunnel access points and en-
2 sure tunnel integrity in New York, Baltimore, and
3 Washington, DC;

4 (2) to secure Amtrak trains;

5 (3) to secure Amtrak stations;

6 (4) to obtain a watch list identification system
7 approved by the Secretary;

8 (5) to obtain train tracking and interoperable
9 communications systems that are coordinated to the
10 maximum extent possible;

11 (6) to hire additional police and security officers,
12 including canine units;

13 (7) to expand emergency preparedness efforts;
14 and

15 (8) for employee security training.

16 (b) *CONDITIONS.*—The Secretary of Transportation
17 shall disburse funds to Amtrak provided under subsection
18 (a) for projects contained in a systemwide security plan
19 approved by the Secretary of Homeland Security. The plan
20 shall include appropriate measures to address security
21 awareness, emergency response, and passenger evacuation
22 training.

23 (c) *EQUITABLE GEOGRAPHIC ALLOCATION.*—The Sec-
24 retary shall ensure that, subject to meeting the highest secu-
25 rity needs on Amtrak's entire system and consistent with

1 *the risk assessment required under section 302, stations and*
2 *facilities located outside of the Northeast Corridor receive*
3 *an equitable share of the security funds authorized by this*
4 *section.*

5 (d) *AVAILABILITY OF FUNDS.—Out of funds appro-*
6 *priated pursuant to section 114(u)(2) of title 49, United*
7 *States Code, there shall be made available to the Secretary*
8 *of Homeland Security and the Assistant Secretary of Home-*
9 *land Security (Transportation Security Administration) to*
10 *carry out this section—*

11 (1) *\$63,500,000 for fiscal year 2007;*

12 (2) *\$30,000,000 for fiscal year 2008; and*

13 (3) *\$30,000,000 for fiscal year 2009.*

14 *Amounts appropriated pursuant to this subsection shall re-*
15 *main available until expended.*

16 **SEC. 304. FIRE AND LIFE-SAFETY IMPROVEMENTS.**

17 (a) *LIFE-SAFETY NEEDS.—The Secretary of Trans-*
18 *portation, in consultation with the Secretary of Homeland*
19 *Security, is authorized to make grants to Amtrak for the*
20 *purpose of making fire and life-safety improvements to Am-*
21 *trak tunnels on the Northeast Corridor in New York, NY,*
22 *Baltimore, MD, and Washington, DC.*

23 (b) *AUTHORIZATION OF APPROPRIATIONS.—Out of*
24 *funds appropriated pursuant to section 102 of this Act,*
25 *there shall be made available to the Secretary of Transpor-*

1 *tation for the purposes of carrying out subsection (a) the*
2 *following amounts:*

3 *(1) For the 6 New York tunnels to provide ven-*
4 *tilation, electrical, and fire safety technology up-*
5 *grades, emergency communication and lighting sys-*
6 *tems, and emergency access and egress for pas-*
7 *sengers—*

8 *(A) \$190,000,000 for fiscal year 2007;*

9 *(B) \$190,000,000 for fiscal year 2008; and*

10 *(C) \$190,000,000 for fiscal year 2009.*

11 *(2) For the Baltimore & Potomac tunnel and the*
12 *Union tunnel, together, to provide adequate drainage,*
13 *ventilation, communication, lighting, and passenger*
14 *egress upgrades—*

15 *(A) \$19,000,000 for fiscal year 2007;*

16 *(B) \$19,000,000 for fiscal year 2008; and*

17 *(C) \$19,000,000 for fiscal year 2009.*

18 *(3) For the Washington, DC, Union Station tun-*
19 *nels to improve ventilation, communication, lighting,*
20 *and passenger egress upgrades—*

21 *(A) \$13,333,000 for fiscal year 2007;*

22 *(B) \$13,333,000 for fiscal year 2008; and*

23 *(C) \$13,333,000 for fiscal year 2009.*

24 *(c) INFRASTRUCTURE UPGRADES.—Out of funds ap-*
25 *propriated pursuant to section 102 of this Act, there shall*

1 *be made available to the Secretary of Transportation for*
2 *fiscal year 2007 \$3,000,000 for the preliminary design of*
3 *options for a new tunnel on a different alignment to aug-*
4 *ment the capacity of the existing Baltimore tunnels.*

5 (d) *AVAILABILITY OF APPROPRIATED FUNDS.—*
6 *Amounts made available pursuant to this section shall re-*
7 *main available until expended.*

8 (e) *PLANS REQUIRED.—The Secretary of Transpor-*
9 *tation may not make amounts available to Amtrak for obli-*
10 *gation or expenditure under subsection (a)—*

11 (1) *until Amtrak has submitted to the Secretary,*
12 *and the Secretary has approved, an engineering and*
13 *financial plan for such projects; and*

14 (2) *unless, for each project funded pursuant to*
15 *this section, the Secretary has approved a project*
16 *management plan prepared by Amtrak addressing*
17 *appropriate project budget, construction schedule, re-*
18 *cipient staff organization, document control and*
19 *record keeping, change order procedure, quality con-*
20 *trol and assurance, periodic plan updates, and peri-*
21 *odic status reports.*

22 (f) *REVIEW OF PLANS.—The Secretary of Transpor-*
23 *tation shall complete the review of the plans required by*
24 *paragraphs (1) and (2) of subsection (e) and approve or*
25 *disapprove the plans within 45 days after the date on which*

1 *each such plan is submitted by Amtrak. If the Secretary*
2 *determines that a plan is incomplete or deficient, the Sec-*
3 *retary shall notify Amtrak of the incomplete items or defi-*
4 *ciencies and Amtrak shall, within 30 days after receiving*
5 *the Secretary's notification, submit a modified plan for the*
6 *Secretary's review. Within 15 days after receiving addi-*
7 *tional information on items previously included in the*
8 *plan, and within 45 days after receiving items newly in-*
9 *cluded in a modified plan, the Secretary shall either ap-*
10 *prove the modified plan, or, if the Secretary finds the plan*
11 *is still incomplete or deficient, the Secretary shall identify*
12 *in writing to the Senate Committee on Commerce, Science,*
13 *and Transportation, the House of Representatives Com-*
14 *mittee on Transportation and Infrastructure, and the*
15 *House of Representatives Committee on Homeland Security*
16 *the portions of the plan the Secretary finds incomplete or*
17 *deficient, approve all other portions of the plan, obligate*
18 *the funds associated with those other portions, and execute*
19 *an agreement with Amtrak within 15 days thereafter on*
20 *a process for resolving the remaining portions of the plan.*

21 *(g) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL*
22 *USERS.—The Secretary shall, taking into account the need*
23 *for the timely completion of all portions of the tunnel*
24 *projects described in subsection (a)—*

1 (1) *consider the extent to which rail carriers*
2 *other than Amtrak use or plan to use the tunnels;*

3 (2) *consider the feasibility of seeking a financial*
4 *contribution from those other rail carriers toward the*
5 *costs of the projects; and*

6 (3) *obtain financial contributions or commit-*
7 *ments from such other rail carriers at levels reflecting*
8 *the extent of their use or planned use of the tunnels,*
9 *if feasible.*

10 **SEC. 305. FREIGHT AND PASSENGER RAIL SECURITY UP-**
11 **GRADES.**

12 (a) *SECURITY IMPROVEMENT GRANTS.—The Secretary*
13 *of Homeland Security, through the Assistant Secretary of*
14 *Homeland Security (Transportation Security Administra-*
15 *tion) and other appropriate agencies, is authorized to make*
16 *grants to freight railroads, the Alaska Railroad, hazardous*
17 *materials shippers, owners of rail cars used in the transpor-*
18 *tation of hazardous materials, universities, colleges and re-*
19 *search centers, State and local governments (for rail pas-*
20 *senger facilities and infrastructure not owned by Amtrak),*
21 *and, through the Secretary of Transportation, to Amtrak,*
22 *for full or partial reimbursement of costs incurred in the*
23 *conduct of activities to prevent or respond to acts of ter-*
24 *rorism, sabotage, or other intercity passenger rail and*

1 *freight rail security vulnerabilities and risks identified*
2 *under section 302, including—*

3 (1) *security and redundancy for critical commu-*
4 *nications, computer, and train control systems essen-*
5 *tial for secure rail operations;*

6 (2) *accommodation of rail cargo or passenger*
7 *screening equipment at the United States-Mexico bor-*
8 *der, the United States-Canada border, or other ports*
9 *of entry;*

10 (3) *the security of hazardous material transpor-*
11 *tation by rail;*

12 (4) *secure intercity passenger rail stations,*
13 *trains, and infrastructure;*

14 (5) *structural modification or replacement of*
15 *rail cars transporting high hazard materials to im-*
16 *prove their resistance to acts of terrorism;*

17 (6) *employee security awareness, preparedness,*
18 *passenger evacuation, and emergency response train-*
19 *ing;*

20 (7) *public security awareness campaigns for pas-*
21 *senger train operations;*

22 (8) *the sharing of intelligence and information*
23 *about security threats;*

1 (9) *to obtain train tracking and interoperable*
2 *communications systems that are coordinated to the*
3 *maximum extent possible;*

4 (10) *to hire additional police and security offi-*
5 *cers, including canine units; and*

6 (11) *other improvements recommended by the re-*
7 *port required by section 302, including infrastructure,*
8 *facilities, and equipment upgrades.*

9 (b) *ACCOUNTABILITY.—The Secretary shall adopt nec-*
10 *essary procedures, including audits, to ensure that grants*
11 *made under this section are expended in accordance with*
12 *the purposes of this Act and the priorities and other criteria*
13 *developed by the Secretary.*

14 (c) *ALLOCATION.—The Secretary shall distribute the*
15 *funds authorized by this section based on risk and vulner-*
16 *ability as determined under section 302, and shall encour-*
17 *age non-Federal financial participation in awarding*
18 *grants. With respect to grants for intercity passenger rail*
19 *security, the Secretary shall also take into account pas-*
20 *senger volume and whether a station is used by commuter*
21 *rail passengers as well as intercity rail passengers.*

22 (d) *CONDITIONS.—The Secretary of Transportation*
23 *may not disburse funds to Amtrak under subsection (a) un-*
24 *less Amtrak meets the conditions set forth in section 303(b)*
25 *of this Act.*

1 (e) *ALLOCATION BETWEEN RAILROADS AND OTH-*
2 *ERS.—Unless as a result of the assessment required by sec-*
3 *tion 302 the Secretary of Homeland Security determines*
4 *that critical rail transportation security needs require re-*
5 *imbursement in greater amounts to any eligible entity, no*
6 *grants under this section may be made—*

7 (1) *in excess of \$45,000,000 to Amtrak; or*

8 (2) *in excess of \$80,000,000 for the purposes de-*
9 *scribed in paragraphs (3) and (5) of subsection (a).*

10 (f) *AUTHORIZATION OF APPROPRIATIONS.—Out of*
11 *funds appropriated pursuant to section 114(u)(2) of title*
12 *49, United States Code, there shall be made available to*
13 *the Secretary of Homeland Security to carry out this sec-*
14 *tion—*

15 (1) *\$100,000,000 for fiscal year 2007;*

16 (2) *\$100,000,000 for fiscal year 2008; and*

17 (3) *\$100,000,000 for fiscal year 2009.*

18 *Amounts made available pursuant to this subsection shall*
19 *remain available until expended.*

20 (g) *HIGH HAZARD MATERIALS DEFINED.—In this sec-*
21 *tion, the term “high hazard materials” means quantities*
22 *of poison inhalation hazard materials, Class 2.3 gases,*
23 *Class 6.1 materials, and anhydrous ammonia that the Sec-*
24 *retary, in consultation with the Secretary of Transpor-*
25 *tation, determines pose a security risk.*

1 **SEC. 306. RAIL SECURITY RESEARCH AND DEVELOPMENT.**

2 (a) *ESTABLISHMENT OF RESEARCH AND DEVELOP-*
3 *MENT PROGRAM.*—*The Secretary of Homeland Security,*
4 *through the Under Secretary for Science and Technology*
5 *and the Assistant Secretary of Homeland Security (Trans-*
6 *portation Security Administration), in consultation with*
7 *the Secretary of Transportation shall carry out a research*
8 *and development program for the purpose of improving*
9 *freight and intercity passenger rail security that may in-*
10 *clude research and development projects to—*

11 (1) *reduce the vulnerability of passenger trains,*
12 *stations, and equipment to explosives and hazardous*
13 *chemical, biological, and radioactive substances;*

14 (2) *test new emergency response techniques and*
15 *technologies;*

16 (3) *develop improved freight technologies, includ-*
17 *ing—*

18 (A) *technologies for sealing rail cars;*

19 (B) *automatic inspection of rail cars;*

20 (C) *communication-based train controls;*

21 *and*

22 (D) *emergency response training;*

23 (4) *test wayside detectors that can detect tam-*
24 *pering with railroad equipment;*

25 (5) *support enhanced security for the transpor-*
26 *tation of hazardous materials by rail, including—*

1 (A) technologies to detect a breach in a tank
2 car or other rail car used to transport hazardous
3 materials and transmit information about the
4 integrity of cars to the train crew or dispatcher;

5 (B) research to improve tank car integrity,
6 with a focus on tank cars that carry high hazard
7 materials (as defined in section 305(g) of this
8 Act; and

9 (C) techniques to transfer hazardous mate-
10 rials from rail cars that are damaged or other-
11 wise represent an unreasonable risk to human
12 life or public safety; and

13 (6) other projects that address vulnerabilities
14 and risks identified under section 302.

15 (b) COORDINATION WITH OTHER RESEARCH INITIA-
16 TIVES.—The Secretary of Homeland Security shall ensure
17 that the research and development program authorized by
18 this section is coordinated with other research and develop-
19 ment initiatives at the Department of Homeland Security
20 and the Department of Transportation. The Secretary shall
21 carry out any research and development project authorized
22 by this section through a reimbursable agreement with the
23 Secretary of Transportation, if the Secretary of Transpor-
24 tation—

1 (1) *is already sponsoring a research and develop-*
2 *ment project in a similar area; or*

3 (2) *has a unique facility or capability that*
4 *would be useful in carrying out the project.*

5 (c) *GRANTS AND ACCOUNTABILITY.—To carry out the*
6 *research and development program, the Secretary may*
7 *award grants to the entities described in section 305(a) and*
8 *shall adopt necessary procedures, including audits, to en-*
9 *sure that grants made under this section are expended in*
10 *accordance with the purposes of this Act and the priorities*
11 *and other criteria developed by the Secretary.*

12 (d) *AUTHORIZATION OF APPROPRIATIONS.—Out of*
13 *funds appropriated pursuant to section 114(u)(4) of title*
14 *49, United States Code, there shall be made available to*
15 *the Secretary of Homeland Security to carry out this sec-*
16 *tion—*

17 (1) *\$35,000,000 for fiscal year 2007;*

18 (2) *\$35,000,000 for fiscal year 2008; and*

19 (3) *\$35,000,000 for fiscal year 2009.*

20 *Amounts made available pursuant to this subsection shall*
21 *remain available until expended.*

22 **SEC. 307. OVERSIGHT AND GRANT PROCEDURES.**

23 (a) *SECRETARIAL OVERSIGHT.—The Secretary of*
24 *Homeland Security may use up to 0.5 percent of amounts*
25 *made available for capital projects under the Rail Security*

1 *Act of 2005 to enter into contracts for the review of proposed*
2 *capital projects and related program management plans*
3 *and to oversee construction of such projects.*

4 **(b) USE OF FUNDS.**—*The Secretary may use amounts*
5 *available under subsection (a) of this subsection to make*
6 *contracts to audit and review the safety, procurement, man-*
7 *agement, and financial compliance of a recipient of*
8 *amounts under this Act.*

9 **(c) PROCEDURES FOR GRANT AWARD.**—*The Secretary*
10 *shall, within 90 days after the date of enactment of this*
11 *Act, prescribe procedures and schedules for the awarding*
12 *of grants under this Act, including application and quali-*
13 *fication procedures (including a requirement that the appli-*
14 *cant have a security plan), and a record of decision on ap-*
15 *plicant eligibility. The procedures shall include the execu-*
16 *tion of a grant agreement between the grant recipient and*
17 *the Secretary and shall be consistent, to the extent prac-*
18 *ticable, with the grant procedures established under section*
19 *70107 of title 46, United States Code.*

20 **SEC. 308. AMTRAK PLAN TO ASSIST FAMILIES OF PAS-**
21 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
22 **CIDENTS.**

23 **(a) IN GENERAL.**—*Chapter 243 of title 49, United*
24 *States Code, is amended by adding at the end the following:*

1 **“§24316. Plans to address needs of families of pas-**
2 **sengers involved in rail passenger acci-**
3 **dents**

4 “(a) *SUBMISSION OF PLAN.*—Not later than 6 months
5 after the date of the enactment of the Rail Security Act of
6 2005, Amtrak shall submit to the Chairman of the National
7 Transportation Safety Board, the Secretary of Transpor-
8 tation, and the Secretary of Homeland Security a plan for
9 addressing the needs of the families of passengers involved
10 in any rail passenger accident involving an Amtrak inter-
11 city train and resulting in a loss of life.

12 “(b) *CONTENTS OF PLANS.*—The plan to be submitted
13 by Amtrak under subsection (a) shall include, at a min-
14 imum, the following:

15 “(1) A process by which Amtrak will maintain
16 and provide to the National Transportation Safety
17 Board and the Secretary of Transportation, imme-
18 diately upon request, a list (which is based on the best
19 available information at the time of the request) of
20 the names of the passengers aboard the train (whether
21 or not such names have been verified), and will peri-
22 odically update the list. The plan shall include a pro-
23 cedure, with respect to unreserved trains and pas-
24 sengers not holding reservations on other trains, for
25 Amtrak to use reasonable efforts to ascertain the num-

1 *ber and names of passengers aboard a train involved*
2 *in an accident.*

3 *“(2) A plan for creating and publicizing a reli-*
4 *able, toll-free telephone number within 4 hours after*
5 *such an accident occurs, and for providing staff, to*
6 *handle calls from the families of the passengers.*

7 *“(3) A process for notifying the families of the*
8 *passengers, before providing any public notice of the*
9 *names of the passengers, by suitably trained individ-*
10 *uals.*

11 *“(4) A process for providing the notice described*
12 *in paragraph (2) to the family of a passenger as soon*
13 *as Amtrak has verified that the passenger was aboard*
14 *the train (whether or not the names of all of the pas-*
15 *sengers have been verified).*

16 *“(5) A process by which the family of each pas-*
17 *senger will be consulted about the disposition of all*
18 *remains and personal effects of the passenger within*
19 *Amtrak’s control; that any possession of the passenger*
20 *within Amtrak’s control will be returned to the family*
21 *unless the possession is needed for the accident inves-*
22 *tigation or any criminal investigation; and that any*
23 *unclaimed possession of a passenger within Amtrak’s*
24 *control will be retained by the rail passenger carrier*
25 *for at least 18 months.*

1 “(6) *A process by which the treatment of the*
2 *families of nonrevenue passengers will be the same as*
3 *the treatment of the families of revenue passengers.*

4 “(7) *An assurance that Amtrak will provide ade-*
5 *quate training to its employees and agents to meet the*
6 *needs of survivors and family members following an*
7 *accident.*

8 “(c) *USE OF INFORMATION.—The National Transpor-*
9 *tation Safety Board, the Secretary of Transportation, and*
10 *Amtrak may not release any personal information on a list*
11 *obtained under subsection (b)(1) but may provide informa-*
12 *tion on the list about a passenger to the family of the pas-*
13 *senger to the extent that the Board or Amtrak considers ap-*
14 *propriate.*

15 “(d) *LIMITATION ON LIABILITY.—Amtrak shall not be*
16 *liable for damages in any action brought in a Federal or*
17 *State court arising out of the performance of Amtrak in*
18 *preparing or providing a passenger list, or in providing*
19 *information concerning a train reservation, pursuant to a*
20 *plan submitted by Amtrak under subsection (b), unless such*
21 *liability was caused by Amtrak’s conduct.*

22 “(e) *LIMITATION ON STATUTORY CONSTRUCTION.—*
23 *Nothing in this section may be construed as limiting the*
24 *actions that Amtrak may take, or the obligations that Am-*

1 *trak may have, in providing assistance to the families of*
 2 *passengers involved in a rail passenger accident.*

3 “(f) *FUNDING.—Out of funds appropriated pursuant*
 4 *to section 102 of the Rail Security Act of 2005, there shall*
 5 *be made available to the Secretary of Transportation for*
 6 *the use of Amtrak \$500,000 for fiscal year 2007 to carry*
 7 *out this section. Amounts made available pursuant to this*
 8 *subsection shall remain available until expended.”.*

9 (b) *CONFORMING AMENDMENT.—The chapter analysis*
 10 *for chapter 243 of title 49, United States Code, is amended*
 11 *by adding at the end the following:*

“24316. Plan to assist families of passengers involved in rail passenger acci-
dents.”.

12 ***SEC. 309. NORTHERN BORDER RAIL PASSENGER REPORT.***

13 *Within 180 days after the date of enactment of this*
 14 *Act, the Secretary of Homeland Security, in consultation*
 15 *with the Assistant Secretary of Homeland Security (Trans-*
 16 *portation Security Administration), the Secretary of*
 17 *Transportation, heads of other appropriate Federal depart-*
 18 *ments, and agencies and the National Railroad Passenger*
 19 *Corporation, shall transmit a report to the Senate Com-*
 20 *mittee on Commerce, Science, and Transportation, the*
 21 *House of Representatives Committee on Transportation and*
 22 *Infrastructure, and the House of Representatives Committee*
 23 *on Homeland Security that contains—*

1 (1) a description of the current system for
2 screening passengers and baggage on passenger rail
3 service between the United States and Canada;

4 (2) an assessment of the current program to pro-
5 vide preclearance of airline passengers between the
6 United States and Canada as outlined in “The Agree-
7 ment on Air Transport Preclearance between the Gov-
8 ernment of Canada and the Government of the United
9 States of America”, dated January 18, 2001;

10 (3) an assessment of the current program to pro-
11 vide preclearance of freight railroad traffic between
12 the United States and Canada as outlined in the
13 “Declaration of Principle for the Improved Security
14 of Rail Shipments by Canadian National Railway
15 and Canadian Pacific Railway from Canada to the
16 United States”, dated April 2, 2003;

17 (4) information on progress by the Department
18 of Homeland Security and other Federal agencies to-
19 wards finalizing a bilateral protocol with Canada
20 that would provide for preclearance of passengers on
21 trains operating between the United States and Can-
22 ada;

23 (5) a description of legislative, regulatory, budg-
24 etary, or policy barriers within the United States
25 Government to providing pre-screened passenger lists

1 *for rail passengers traveling between the United*
2 *States and Canada to the Department of Homeland*
3 *Security;*

4 *(6) a description of the position of the Govern-*
5 *ment of Canada and relevant Canadian agencies with*
6 *respect to preclearance of such passengers;*

7 *(7) a draft of any changes in existing Federal*
8 *law necessary to provide for pre-screening of such*
9 *passengers and providing pre-screened passenger lists*
10 *to the Department of Homeland Security; and*

11 *(8) an analysis of the feasibility of reinstating*
12 *in-transit inspections onboard international Amtrak*
13 *trains.*

14 **SEC. 310. RAIL WORKER SECURITY TRAINING PROGRAM.**

15 *(a) IN GENERAL.—Not later than 180 days after the*
16 *date of enactment of this Act, the Secretary of Homeland*
17 *Security and the Secretary of Transportation, in consulta-*
18 *tion with appropriate law enforcement, security, and ter-*
19 *rorism experts, representatives of railroad carriers, and*
20 *nonprofit employee organizations that represent rail work-*
21 *ers, shall develop and issue detailed guidance for a rail*
22 *worker security training program to prepare front-line*
23 *workers for potential threat conditions. The guidance shall*
24 *take into consideration any current security training re-*
25 *quirements or best practices.*

1 (b) *PROGRAM ELEMENTS.*—*The guidance developed*
2 *under subsection (a) shall include elements, as appropriate*
3 *to passenger and freight rail service, that address the fol-*
4 *lowing:*

5 (1) *Determination of the seriousness of any oc-*
6 *currence.*

7 (2) *Crew communication and coordination.*

8 (3) *Appropriate responses to defend or protect*
9 *oneself.*

10 (4) *Use of protective devices.*

11 (5) *Evacuation procedures.*

12 (6) *Psychology of terrorists to cope with hijacker*
13 *behavior and passenger responses.*

14 (7) *Situational training exercises regarding var-*
15 *ious threat conditions.*

16 (8) *Any other subject the Secretary considers ap-*
17 *propriate.*

18 (c) *RAILROAD CARRIER PROGRAMS.*—*Not later than*
19 *90 days after the Secretary of Homeland Security issues*
20 *guidance under subsection (a) in final form, each railroad*
21 *carrier shall develop a rail worker security training pro-*
22 *gram in accordance with that guidance and submit it to*
23 *the Secretary for review. Not later than 30 days after receiv-*
24 *ing a railroad carrier's program under this subsection, the*
25 *Secretary shall review the program and transmit comments*

1 *to the railroad carrier concerning any revisions the Sec-*
2 *retary considers necessary for the program to meet the guid-*
3 *ance requirements. A railroad carrier shall respond to the*
4 *Secretary's comments within 30 days after receiving them.*

5 (d) *TRAINING.*—*Not later than 1 year after the Sec-*
6 *retary reviews the training program developed by a rail-*
7 *road carrier under this section, the railroad carrier shall*
8 *complete the training of all front-line workers in accordance*
9 *with that program. The Secretary shall review implementa-*
10 *tion of the training program of a representative sample of*
11 *railroad carriers and report to the Senate Committee on*
12 *Commerce, Science, and Transportation, the House of Rep-*
13 *resentatives Committee on Transportation and Infrastruc-*
14 *ture, and the House of Representatives Committee on*
15 *Homeland Security on the number of reviews conducted and*
16 *the results. The Secretary may submit the report in both*
17 *classified and redacted formats as necessary.*

18 (e) *UPDATES.*—*The Secretary shall update the train-*
19 *ing guidance issued under subsection (a) as appropriate to*
20 *reflect new or different security threats. Railroad carriers*
21 *shall revise their programs accordingly and provide addi-*
22 *tional training to their front-line workers within a reason-*
23 *able time after the guidance is updated.*

24 (f) *FRONT-LINE WORKERS DEFINED.*—*In this section,*
25 *the term “front-line workers” means security personnel, dis-*

1 *patchers, train operators, other onboard employees, mainte-*
2 *nance and maintenance support personnel, bridge tenders,*
3 *as well as other appropriate employees of railroad carriers,*
4 *as defined by the Secretary.*

5 *(g) OTHER EMPLOYEES.—The Secretary of Homeland*
6 *Security shall issue guidance and best practices for a rail*
7 *shipper employee security program containing the elements*
8 *listed under subsection (b) as appropriate.*

9 **SEC. 311. WHISTLEBLOWER PROTECTION PROGRAM.**

10 *(a) IN GENERAL.—Subchapter A of chapter 201 of title*
11 *49, United States Code, is amended by inserting after sec-*
12 *tion 20117 the following:*

13 **“§20118. Whistleblower protection for rail security**
14 **matters**

15 *“(a) DISCRIMINATION AGAINST EMPLOYEE.—No rail*
16 *carrier engaged in interstate or foreign commerce may dis-*
17 *charge a railroad employee or otherwise discriminate*
18 *against a railroad employee because the employee (or any*
19 *person acting pursuant to a request of the employee)—*

20 *“(1) provided, caused to be provided, or is about*
21 *to provide or cause to be provided, to the employer or*
22 *the Federal Government information relating to a*
23 *reasonably perceived threat, in good faith, to security;*
24 *or*

1 “(2) *provided, caused to be provided, or is about*
2 *to provide or cause to be provided, testimony before*
3 *Congress or at any Federal or State proceeding re-*
4 *garding a reasonably perceived threat, in good faith,*
5 *to security; or*

6 “(3) *refused to violate or assist in the violation*
7 *of any law, rule or regulation related to rail security.*

8 “(b) *DISPUTE RESOLUTION.—A dispute, grievance, or*
9 *claim arising under this section is subject to resolution*
10 *under section 3 of the Railway Labor Act (45 U.S.C. 153).*
11 *In a proceeding by the National Railroad Adjustment*
12 *Board, a division or delegate of the Board, or another board*
13 *of adjustment established under section 3 to resolve the dis-*
14 *pute, grievance, or claim the proceeding shall be expedited*
15 *and the dispute, grievance, or claim shall be resolved not*
16 *later than 180 days after it is filed. If the violation is a*
17 *form of discrimination that does not involve discharge, sus-*
18 *pension, or another action affecting pay, and no other rem-*
19 *edy is available under this subsection, the Board, division,*
20 *delegate, or other board of adjustment may award the em-*
21 *ployee reasonable damages, including punitive damages, of*
22 *not more than \$20,000.*

23 “(c) *PROCEDURAL REQUIREMENTS.—Except as pro-*
24 *vided in subsection (b), the procedure set forth in section*

1 42121(b)(2)(B) of this title, including the burdens of proof,
2 applies to any complaint brought under this section.

3 “(d) *ELECTION OF REMEDIES.*—An employee of a
4 railroad carrier may not seek protection under both this
5 section and another provision of law for the same allegedly
6 unlawful act of the carrier.

7 “(e) *DISCLOSURE OF IDENTITY.*—

8 “(1) Except as provided in paragraph (2) of this
9 subsection, or with the written consent of the em-
10 ployee, the Secretary of Transportation may not dis-
11 close the name of an employee of a railroad carrier
12 who has provided information about an alleged viola-
13 tion of this section.

14 “(2) The Secretary shall disclose to the Attorney
15 General the name of an employee described in para-
16 graph (1) of this subsection if the matter is referred
17 to the Attorney General for enforcement.”.

18 (b) *CONFORMING AMENDMENT.*—The chapter analysis
19 for chapter 201 of title 49, United States Code, is amended
20 by inserting after the item relating to section 20117 the fol-
21 lowing:

“20118. Whistleblower protection for rail security matters.”.

22 **SEC. 312. HIGH HAZARD MATERIAL SECURITY THREAT MITI-**
23 **GATION PLANS.**

24 (a) *IN GENERAL.*—The Secretary of Homeland Secu-
25 rity, in consultation with the Assistant Secretary of Home-

1 *land Security (Transportation Security Administration)*
2 *and the Secretary of Transportation, shall require rail car-*
3 *riers transporting a high hazard material, as defined in*
4 *section 305(g) of this Act and of a quantity equal or exceed-*
5 *ing the quantities of such material listed in subpart*
6 *172.800, title 49, Federal Code of Regulations, to develop*
7 *a high hazard material security threat mitigation plan con-*
8 *taining appropriate measures, including alternative rout-*
9 *ing and temporary shipment suspension options, to address*
10 *assessed risks to high consequence targets. The plan, and*
11 *any information submitted to the Secretary under this sec-*
12 *tion shall be protected as sensitive security information*
13 *under the regulations prescribed under section 114(s) of title*
14 *49, United States Code.*

15 *(b) IMPLEMENTATION.—A high hazard material secu-*
16 *rity threat mitigation plan shall be put into effect by a*
17 *rail carrier for the shipment of high hazardous materials*
18 *by rail on the rail carrier's right-of-way when the threat*
19 *levels of the Homeland Security Advisory System are high*
20 *or severe and specific intelligence of probable or imminent*
21 *threat exists towards—*

22 *(1) a high-consequence target that is within the*
23 *catastrophic impact zone of a railroad right-of-way*
24 *used to transport high hazardous material; or*

1 (2) *rail infrastructure or operations within the*
2 *immediate vicinity of a high-consequence target.*

3 (c) *COMPLETION AND REVIEW OF PLANS.—*

4 (1) *PLANS REQUIRED.—Each rail carrier*
5 *shall—*

6 (A) *submit a list of routes used to transport*
7 *high hazard materials to the Secretary of Home-*
8 *land Security within 60 days after the date of*
9 *enactment of this Act;*

10 (B) *develop and submit a high hazard ma-*
11 *terial security threat mitigation plan to the Sec-*
12 *retary within 180 days after it receives the no-*
13 *tice of high consequence targets on such routes by*
14 *the Secretary; and*

15 (C) *submit any subsequent revisions to the*
16 *plan to the Secretary within 30 days after mak-*
17 *ing the revisions.*

18 (2) *REVIEW AND UPDATES.—The Secretary, with*
19 *assistance of the Secretary of Transportation, shall*
20 *review the plans and transmit comments to the rail-*
21 *road carrier concerning any revisions the Secretary*
22 *considers necessary. A railroad carrier shall respond*
23 *to the Secretary's comments within 30 days after re-*
24 *ceiving them. Each rail carrier shall update and re-*
25 *submit its plan for review not less than every 2 years.*

1 (d) *DEFINITIONS.—In this section:*

2 (1) *The term “high-consequence target” means a*
3 *building, buildings, infrastructure, public space, or*
4 *natural resource designated by the Secretary of*
5 *Homeland Security that is viable terrorist target of*
6 *national significance, the attack of which could result*
7 *in—*

8 (A) *catastrophic loss of life; and*

9 (B) *significantly damaged national security*
10 *and defense capabilities; or*

11 (C) *national economic harm.*

12 (2) *The term “catastrophic impact zone” means*
13 *the area immediately adjacent to, under, or above an*
14 *active railroad right-of-way used to ship high hazard*
15 *materials in which the potential release or explosion*
16 *of the high hazard material being transported would*
17 *likely cause—*

18 (A) *loss of life; or*

19 (B) *significant damage to property or*
20 *structures.*

21 (3) *The term “rail carrier” has the meaning*
22 *given that term by section 10102(5) of title 49,*
23 *United States Code.*

1 **SEC. 313. MEMORANDUM OF AGREEMENT.**

2 (a) *MEMORANDUM OF AGREEMENT.*—Similar to the
3 public transportation security annex between the two de-
4 partments signed on September 8, 2005, within 1 year after
5 the date of enactment of this Act, the Secretary of Transpor-
6 tation and the Secretary of Homeland Security shall exe-
7 cute and develop an annex to the memorandum of agree-
8 ment between the two departments signed on September 28,
9 2004, governing the specific roles, delineations of respon-
10 sibilities, resources and commitments of the Department of
11 Transportation and the Department of Homeland Security,
12 respectively, in addressing railroad transportation security
13 matters, including the processes the departments will follow
14 to promote communications, efficiency, and nonduplication
15 of effort.

16 (b) *RAIL SAFETY REGULATIONS.*—Section 20103(a) of
17 title 49, United States Code, is amended by striking “safe-
18 ty” the first place it appears, and inserting “safety, includ-
19 ing security,”.

20 **SEC. 314. RAIL SECURITY ENHANCEMENTS.**

21 (a) *RAIL POLICE OFFICERS.*—Section 28101 of title
22 49, United States Code, is amended—

23 (1) by inserting “(a) *IN GENERAL.*—” before
24 “Under”; and

25 (2) by striking “the rail carrier” each place it
26 appears and inserting “any rail carrier”.

1 (b) *REVIEW OF RAIL REGULATIONS.*—Within 1 year
2 after the date of enactment of this Act, the Secretary of
3 Transportation, in consultation with the Secretary of
4 Homeland Security and the Assistant Secretary of Home-
5 land Security (Transportation Security Administration),
6 shall review existing rail regulations of the Department of
7 Transportation for the purpose of identifying areas in
8 which those regulations need to be revised to improve rail
9 security.

10 **SEC. 315. PUBLIC AWARENESS.**

11 Not later than 90 days after the date of enactment of
12 this Act, the Secretary of Homeland Security, in consulta-
13 tion with the Secretary of Transportation, shall develop a
14 national plan for public outreach and awareness. Such plan
15 shall be designed to increase awareness of measures that the
16 general public, railroad passengers, and railroad employees
17 can take to increase railroad system security. Such plan
18 shall also provide outreach to railroad carriers and their
19 employees to improve their awareness of available tech-
20 nologies, ongoing research and development efforts, and
21 available Federal funding sources to improve railroad secu-
22 rity. Not later than 9 months after the date of enactment
23 of this Act, the Secretary of Homeland Security shall imple-
24 ment the plan developed under this section.

1 **SEC. 316. RAILROAD HIGH HAZARD MATERIAL TRACKING.**

2 (a) *WIRELESS COMMUNICATIONS.*—

3 (1) *IN GENERAL.*—*In conjunction with the re-*
4 *search and development program established under*
5 *section 306 and consistent with the results of research*
6 *relating to wireless tracking technologies, the Sec-*
7 *retary of Homeland Security, in consultation with*
8 *the Assistant Secretary of Homeland Security (Trans-*
9 *portation Security Administration), shall develop a*
10 *program that will encourage the equipping of rail*
11 *cars transporting high hazard materials (as defined*
12 *in section 305(g) of this Act) in quantities equal to*
13 *or greater than the quantities specified in subpart*
14 *171.800 of title 49, Code of Federal Regulations, with*
15 *wireless terrestrial or satellite communications tech-*
16 *nology that provides—*

17 (A) *car position location and tracking ca-*
18 *pabilities;*

19 (B) *notification of rail car depressurization,*
20 *breach, or unsafe temperature; and*

21 (C) *notification of hazardous material re-*
22 *lease.*

23 (2) *COORDINATION.*—*In developing the program*
24 *required by paragraph (1), the Secretary shall—*

25 (A) *consult with the Secretary of Transpor-*
26 *tation to coordinate the program with any ongo-*

1 *ing or planned efforts for rail car tracking at the*
2 *Department of Transportation; and*

3 *(B) ensure that the program is consistent*
4 *with recommendations and findings of the De-*
5 *partment of Homeland Security's hazardous ma-*
6 *terial tank rail car tracking pilot programs.*

7 *(b) FUNDING.—Out of funds appropriated pursuant to*
8 *section 114(u)(2) of title 49, United States Code, there shall*
9 *be made available to the Secretary of Homeland Security*
10 *to carry out this section \$3,000,000 for each of fiscal years*
11 *2007, 2008, and 2009.*

12 **TITLE IV—IMPROVED MOTOR**
13 **CARRIER, BUS, AND HAZ-**
14 **ARDOUS MATERIAL SECURITY**

15 **SEC. 401. WRITTEN PLANS FOR HAZARDOUS MATERIALS**
16 **HIGHWAY ROUTING.**

17 *Within 180 days after the date of enactment of this*
18 *Act, the Secretary of Transportation shall require each*
19 *motor carrier that is required to have a hazardous material*
20 *safety permit under part 385 of title 49, Code of Federal*
21 *Regulations, to maintain a written route plan that meets*
22 *the requirements of section 397.101 of that title when trans-*
23 *porting the type and quantity of hazardous materials de-*
24 *scribed in section 385.403 of that title.*

1 **SEC. 402. MOTOR CARRIER HIGH HAZARD MATERIAL**
2 **TRACKING.**

3 (a) *WIRELESS COMMUNICATIONS—*

4 (1) *IN GENERAL.*—*Consistent with the findings*
5 *of the Transportation Security Administration’s*
6 *Hazmat Truck Security Pilot Program and within 6*
7 *months after the date of enactment of this Act, the*
8 *Secretary of Homeland Security, through the Trans-*
9 *portation Security Administration and in consulta-*
10 *tion with the Secretary of Transportation, shall de-*
11 *velop a program to encourage the equipping of motor*
12 *carriers transporting high hazard materials (as de-*
13 *finied in section 305(g) of this Act) in quantities equal*
14 *to or greater than the quantities specified in subpart*
15 *171.800 of title 49, Code of Federal Regulations, with*
16 *wireless communications technology that provides—*

17 (A) *continuous communications;*

18 (B) *vehicle position location and tracking*
19 *capabilities; and*

20 (C) *a feature that allows a driver of such*
21 *vehicles to broadcast an emergency message.*

22 (2) *COORDINATION.*—*In developing the program*
23 *required by paragraph (1), the Secretary shall—*

24 (A) *consult with the Secretary of Transpor-*
25 *tation to coordinate the program with any ongo-*

1 *ing or planned efforts for motor carrier tracking*
2 *at the Department of Transportation; and*

3 *(B) take into consideration the rec-*
4 *ommendations and findings of the report on the*
5 *Hazardous Material Safety and Security Oper-*
6 *ation Field Test released by the Federal Motor*
7 *Carrier Safety Administration on November 11,*
8 *2004.*

9 *(b) FUNDING.—Out of funds appropriated pursuant to*
10 *section 114(u)(2) of title 49, United States Code, there shall*
11 *be made available to the Secretary of Homeland Security*
12 *to carry out this section \$3,000,000 for each of fiscal years*
13 *2007, 2008, and 2009.*

14 **SEC. 403. TRUCK LEASING SECURITY TRAINING GUIDE-**
15 **LINES.**

16 *(a) IN GENERAL.—Within 180 days after the date of*
17 *enactment of this Act the Secretary of Homeland Security,*
18 *through the Transportation Security Administration and*
19 *in consultation with the Federal Motor Carrier Safety Ad-*
20 *ministration, shall develop and make available in written*
21 *or electronic form security training guidelines for short-*
22 *term truck leasing operations consistent with existing best*
23 *practices as determined by the Secretary.*

24 *(b) CONTENTS.—The truck leasing security training*
25 *guidelines shall—*

1 (1) *include information for short-term truck leas-*
2 *ing companies on the appropriate contents of em-*
3 *ployee security training efforts designed to enable em-*
4 *ployees to recognize terrorist threats and criminal ac-*
5 *tivity; and*

6 (2) *contain a list of best practices developed by*
7 *the Assistant Secretary.*

8 (c) *OUTREACH.*—*The Secretary may hold public infor-*
9 *mation and outreach sessions to present the truck leasing*
10 *security training guidelines to short-term truck leasing*
11 *companies.*

12 (d) *FUNDING.*—*Out of funds appropriated pursuant to*
13 *section 114(u)(2) of title 49, United States Code, there shall*
14 *be made available to the Assistant Secretary of Homeland*
15 *Security (Transportation Security Administration), to*
16 *carry out this section \$1,000,000 for fiscal year 2007.*

17 **SEC. 404. HAZARDOUS MATERIALS SECURITY INSPECTIONS**
18 **AND ENFORCEMENT.**

19 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
20 *rity shall establish a program within the Transportation*
21 *Security Administration, in consultation with the Sec-*
22 *retary of Transportation, for reviewing hazardous mate-*
23 *rials security plans required under part 172, title 49, Code*
24 *of Federal Regulations, within 180 days after the date of*
25 *enactment of this Act.*

1 (b) *CIVIL PENALTY.*—*The failure, by a shipper, car-*
2 *rier, or other person subject to part 172 of title 49, Code*
3 *of Federal Regulations, to comply with any applicable sec-*
4 *tion of that part within 180 days after being notified by*
5 *the Secretary of such failure to comply, is punishable by*
6 *a civil penalty imposed by the Secretary under title 49,*
7 *United States Code. For purposes of this subsection, each*
8 *day of noncompliance after the 181st day following the date*
9 *on which the shipper, carrier, or other person received no-*
10 *tice of the failure shall constitute a separate failure.*

11 (c) *COMPLIANCE REVIEW.*—*In reviewing the compli-*
12 *ance of hazardous materials shippers, carriers, or other per-*
13 *sons subject to part 172 of title 49, Code of Federal Regula-*
14 *tions, with the provisions of that part, the Secretary shall*
15 *utilize risk assessment methodologies to prioritize review*
16 *and enforcement actions to the most vulnerable and critical*
17 *hazardous materials transportation operations.*

18 (d) *TRANSPORTATION COSTS STUDY.*—*Within 1 year*
19 *after the date of enactment of this Act, the Secretary of*
20 *Transportation, in conjunction with the Secretary of Home-*
21 *land Security, shall study to what extent the insurance, se-*
22 *curity, and safety costs borne by railroad carriers, motor*
23 *carriers, pipeline carriers, air carriers, and maritime car-*
24 *riers associated with the transportation of hazardous mate-*
25 *rials are reflected in the rates paid by shippers of such com-*

1 *modities as compared to the costs and rates respectively for*
2 *the transportation of non-hazardous materials.*

3 *(e) FUNDING.—Out of funds appropriated pursuant to*
4 *section 114(u)(2) of title 49, United States Code, there shall*
5 *be made available to the Assistant Secretary of Homeland*
6 *Security (Transportation Security Administration), to*
7 *carry out this section—*

8 *(1) \$2,000,000 for fiscal year 2007;*

9 *(2) \$2,000,000 for fiscal year 2008; and*

10 *(3) \$2,000,000 for fiscal year 2009.*

11 **SEC. 405. TRUCK SECURITY ASSESSMENT.**

12 *Not later than 1 year after the date of enactment of*
13 *this Act, the Secretary of Transportation shall transmit to*
14 *the Senate Committee on Commerce, Science, and Trans-*
15 *portation, the House of Representatives Committee on*
16 *Transportation and Infrastructure, and the House of Rep-*
17 *resentatives Committee on Homeland Security a report on*
18 *security issues related to the trucking industry that in-*
19 *cludes—*

20 *(1) an assessment of actions already taken to ad-*
21 *dress identified security issues by both public and*
22 *private entities;*

23 *(2) an assessment of the economic impact that*
24 *security upgrades of trucks, truck equipment, or truck*

1 *facilities may have on the trucking industry and its*
2 *employees, including independent owner-operators;*
3 *(3) an assessment of ongoing research and the*
4 *need for additional research on truck security; and*
5 *(4) an assessment of industry best practices to*
6 *enhance security.*

7 **SEC. 406. PIPELINE SECURITY AND INCIDENT RECOVERY**
8 **PLAN.**

9 *(a) IN GENERAL.—The Secretary of Homeland Secu-*
10 *rity, in consultation with the Secretary of Transportation*
11 *and the Pipeline and Hazardous Materials Safety Adminis-*
12 *tration, and in accordance with the Memorandum of Un-*
13 *derstanding Annex executed under section 407, shall develop*
14 *a Pipeline Security and Incident Recovery Protocols Plan.*
15 *The plan shall include—*

16 *(1) a plan for the Federal Government to provide*
17 *increased security support to the most critical inter-*
18 *state and intrastate natural gas and hazardous liquid*
19 *transmission pipeline infrastructure and operations*
20 *as determined under section 406—*

21 *(A) at high or severe security threat levels*
22 *of alert; and*

23 *(B) when specific security threat informa-*
24 *tion relating to such pipeline infrastructure or*
25 *operations exists; and*

1 (2) *an incident recovery protocol plan, developed*
2 *in conjunction with interstate and intrastate trans-*
3 *mission and distribution pipeline operators and ter-*
4 *minals and facilities operators connected to pipelines,*
5 *to develop protocols to ensure the continued transpor-*
6 *tation of natural gas and hazardous liquids to essen-*
7 *tial markets and for essential public health or na-*
8 *tional defense uses in the event of an incident affect-*
9 *ing the interstate and intrastate natural gas and haz-*
10 *ardous liquid transmission and distribution pipeline*
11 *system, which shall include protocols for granting ac-*
12 *cess to pipeline operators for pipeline infrastructure*
13 *repair, replacement or bypass following an incident.*

14 (b) *EXISTING PRIVATE AND PUBLIC SECTOR EF-*
15 *FORTS.—The plan shall take into account actions taken or*
16 *planned by both private and public entities to address iden-*
17 *tified pipeline security issues and assess the effective inte-*
18 *gration of such actions.*

19 (c) *CONSULTATION.—In developing the plan under*
20 *subsection (a), the Secretary of Homeland Security shall*
21 *consult with the Secretary of Transportation, interstate and*
22 *intrastate transmission and distribution pipeline operators,*
23 *pipeline labor, first responders, shippers of hazardous mate-*
24 *rials, State Departments of Transportation, public safety*
25 *officials, and other relevant parties.*

1 *establish a program for reviewing pipeline operator adop-*
2 *tion of recommendations in the September, 5, 2002, Depart-*
3 *ment of Transportation Research and Special Programs*
4 *Administration Pipeline Security Information Circular,*
5 *including the review of pipeline security plans and critical*
6 *facility inspections.*

7 **(b) REVIEW AND INSPECTION.**—*Within 9 months after*
8 *the date of enactment of this Act the Secretary shall com-*
9 *plete a review of the pipeline security plan and an inspec-*
10 *tion of the critical facilities of the 100 most critical pipeline*
11 *operators covered by the September, 5, 2002, circular, where*
12 *such facilities have not been inspected for security purposes*
13 *since September 5, 2002, by either the Department of Home-*
14 *land Security or the Department of Transportation, as de-*
15 *termined by the Secretary in consultation with the Sec-*
16 *retary of Transportation.*

17 **(c) COMPLIANCE REVIEW METHODOLOGY.**—*In review-*
18 *ing pipeline operator compliance under subsections (a) and*
19 *(b), the Secretary shall utilize risk assessment methodologies*
20 *to prioritize vulnerabilities and to target inspection and en-*
21 *forcement actions to the most vulnerable and critical pipe-*
22 *line assets.*

23 **(d) REGULATIONS.**—*Within 1 year after the date of*
24 *enactment of this Act, the Secretary shall transmit to pipe-*
25 *line operators and the Secretary of Transportation security*

1 *recommendations for natural gas and hazardous liquid*
2 *pipelines and pipeline facilities. If the Secretary of Home-*
3 *land Security determines that regulations are appropriate,*
4 *the Secretary shall promulgate such regulations and carry*
5 *out necessary inspection and enforcement actions. Any reg-*
6 *ulations should incorporate the guidance provided to pipe-*
7 *line operators by the September 5, 2002, Department of*
8 *Transportation Research and Special Programs Adminis-*
9 *tration's Pipeline Security Information Circular and con-*
10 *tain additional requirements as necessary based upon the*
11 *results of the inspections performed under subsection (b).*
12 *The regulations shall include the imposition of civil pen-*
13 *alties for non-compliance.*

14 *(e) FUNDING.—Out of funds appropriated pursuant to*
15 *section 114(u)(2) of title 49, United States Code, there shall*
16 *be made available to the Secretary of Homeland Security*
17 *to carry out this section—*

18 *(1) \$2,000,000 for fiscal year 2007; and*

19 *(2) \$2,000,000 for fiscal year 2008.*

20 **SEC. 408. MEMORANDUM OF AGREEMENT.**

21 *Within 6 months after the date of enactment of this*
22 *Act, the Secretary of Transportation and the Secretary of*
23 *Homeland Security shall execute and develop an annex to*
24 *the memorandum of agreement between the 2 departments*
25 *signed on September 28, 2004, governing the specific roles,*

1 *delineations of responsibilities, resources and commitments*
2 *of the Department of Transportation and the Department*
3 *of Homeland Security, respectively, in addressing pipeline*
4 *security and hazardous materials transportation security*
5 *matters, including the processes the Departments will follow*
6 *to promote communications, efficiency, and nonduplication*
7 *of effort.*

8 **SEC. 409. NATIONAL PUBLIC SECTOR RESPONSE SYSTEM.**

9 (a) *DEVELOPMENT.*—*The Secretary of Homeland Se-*
10 *curity, in conjunction with the Secretary of Transportation,*
11 *shall develop a national public sector response system to*
12 *receive security alerts, emergency messages, and other infor-*
13 *mation used to track the transportation of high hazard ma-*
14 *terials which can provide accurate, timely, and actionable*
15 *information to appropriate first responder, law enforcement*
16 *and public safety, and homeland security officials, as ap-*
17 *propriate, regarding accidents, threats, thefts, or other safe-*
18 *ty and security risks or incidents. In developing this sys-*
19 *tem, they shall consult with law enforcement and public*
20 *safety officials, hazardous material shippers, motor car-*
21 *riers, railroads, organizations representing hazardous ma-*
22 *terial employees, State transportation and hazardous mate-*
23 *rials officials, Operation Respond, private for-profit emer-*
24 *gency response organizations, and commercial motor vehicle*
25 *and hazardous material safety groups. The development of*

1 *the national public sector response system shall be based*
2 *upon the public sector response center developed for the*
3 *Transportation Security Administration hazardous mate-*
4 *rial truck security pilot program and hazardous material*
5 *safety and security operational field test undertaken by the*
6 *Federal Motor Carrier Safety Administration.*

7 (b) *CAPABILITY.—The national public sector response*
8 *system shall be able to receive, as appropriate—*

- 9 (1) *negative driver verification alerts;*
10 (2) *out-of-route alerts;*
11 (3) *driver panic or emergency alerts; and*
12 (4) *tampering or release alerts.*

13 (c) *CHARACTERISTICS.—The national public sector re-*
14 *sponse system shall—*

- 15 (1) *be an exception-based system;*
16 (2) *be integrated with other private and public*
17 *sector operation reporting and response systems and*
18 *all Federal homeland security threat analysis systems*
19 *or centers (including the National Response Center);*
20 *and*

21 (3) *provide users the ability to create rules for*
22 *alert notification messages.*

23 (d) *CARRIER PARTICIPATION.—The Secretary of*
24 *Homeland Security shall coordinate with motor carriers*
25 *and railroads transporting high hazard materials, entities*

1 *acting on their behalf who receive communication alerts*
2 *from motor carriers or railroads, or other Federal agencies*
3 *that receive security and emergency related notification re-*
4 *garding high hazard materials in transit to facilitate the*
5 *provisions of the information listed in subsection (b) to the*
6 *national public sector response system to the extent possible.*

7 *(e) DATA PRIVACY.—The national public sector re-*
8 *sponse system shall be designed to ensure appropriate pro-*
9 *tection of data and information relating to motor carriers,*
10 *railroads, and employees.*

11 *(f) REPORT.—Not later than 180 days after the date*
12 *of enactment of this Act, the Secretary shall transmit to*
13 *the Senate Committee on Commerce, Science, and Trans-*
14 *portation, the House of Representatives Committee on*
15 *Transportation and Infrastructure, and the House of Rep-*
16 *resentatives Committee on Homeland Security a report on*
17 *the estimated total public and private sector costs to estab-*
18 *lish and annually operate the national public sector re-*
19 *sponse system under subsection (a), together with any rec-*
20 *ommendations for generating private sector participation*
21 *and investment in the development and operation of the na-*
22 *tional public sector response system.*

23 *(g) FUNDING.—Out of funds appropriated pursuant to*
24 *section 114(u)(2) of title 49, United States Code, there shall*

1 *be made available to the Secretary of Homeland Security*
2 *to carry out this section—*

3 (1) \$1,000,000 for fiscal year 2007;

4 (2) \$1,000,000 for fiscal year 2008; and

5 (3) \$1,000,000 for fiscal year 2009.

6 **SEC. 410. OVER-THE-ROAD BUS SECURITY ASSISTANCE.**

7 (a) *IN GENERAL.*—*The Secretary of Homeland Secu-*
8 *rity shall establish a program within the Transportation*
9 *Security Administration for making grants to private oper-*
10 *ators of over-the-road buses or over-the-road-bus terminal*
11 *operators for system-wide security improvements to their*
12 *operations, including—*

13 (1) *constructing and modifying terminals, ga-*
14 *rages, facilities, or over-the-road buses to assure their*
15 *security;*

16 (2) *protecting or isolating the driver;*

17 (3) *acquiring, upgrading, installing, or oper-*
18 *ating equipment, software, or accessorial services for*
19 *collection, storage, or exchange of passenger and driv-*
20 *er information through ticketing systems or otherwise,*
21 *and information links with government agencies;*

22 (4) *training employees in recognizing and re-*
23 *sponding to security threats, evacuation procedures,*
24 *passenger screening procedures, and baggage inspec-*
25 *tion;*

1 (5) *hiring and training security officers;*

2 (6) *installing cameras and video surveillance*
3 *equipment on over-the-road buses and at terminals,*
4 *garages, and over-the-road bus facilities;*

5 (7) *creating a program for employee identifica-*
6 *tion or background investigation;*

7 (8) *establishing and upgrading an emergency*
8 *communications system linking operational head-*
9 *quarters, over-the-road buses, law enforcement, and*
10 *emergency personnel; and*

11 (9) *implementing and operating passenger*
12 *screening programs at terminals and on over-the-road*
13 *buses.*

14 (b) *FEDERAL SHARE.*—*The Federal share of the cost*
15 *for which any grant is made under this section shall be*
16 *80 percent.*

17 (c) *DUE CONSIDERATION.*—*In making grants under*
18 *this section, the Secretary shall give due consideration to*
19 *private operators of over-the-road buses that have taken*
20 *measures to enhance bus transportation security from those*
21 *in effect before September 11, 2001, and shall prioritize*
22 *grant funding based on the magnitude and severity of the*
23 *security threat to bus passengers and the ability of the fund-*
24 *ed project to reduce, or respond to, that threat.*

1 (d) *GRANT REQUIREMENTS.*—A grant under this sec-
2 tion shall be subject to all the terms and conditions that
3 a grant is subject to under section 3038(f) of the Transpor-
4 tation Equity Act for the 21st Century (49 U.S.C. 5310
5 note; 112 Stat. 393).

6 (e) *PLAN REQUIREMENT.*—

7 (1) *IN GENERAL.*—The Secretary may not make
8 a grant under this section to a private operator of
9 over-the-road buses until the operator has first sub-
10 mitted to the Secretary—

11 (A) a plan for making security improve-
12 ments described in subsection (a) and the Sec-
13 retary has approved the plan; and

14 (B) such additional information as the Sec-
15 retary may require to ensure accountability for
16 the obligation and expenditure of amounts made
17 available to the operator under the grant.

18 (2) *COORDINATION.*—To the extent that an ap-
19 plication for a grant under this section proposes secu-
20 rity improvements within a specific terminal owned
21 and operated by an entity other than the applicant,
22 the applicant shall demonstrate to the satisfaction of
23 the Secretary that the applicant has coordinated the
24 security improvements for the terminal with that en-
25 tity.

1 (f) *OVER-THE-ROAD BUS DEFINED.*—*In this section,*
2 *the term “over-the-road bus” means a bus characterized by*
3 *an elevated passenger deck located over a baggage compart-*
4 *ment.*

5 (g) *BUS SECURITY ASSESSMENT.*—

6 (1) *IN GENERAL.*—*Not later than 180 days after*
7 *the date of enactment of this Act, the Secretary shall*
8 *transmit to the Senate Committee on Commerce,*
9 *Science, and Transportation, the House of Represent-*
10 *atives Committee on Transportation and Infrastruc-*
11 *ture, and the House of Representatives Committee on*
12 *Homeland Security a preliminary report in accord-*
13 *ance with the requirements of this section.*

14 (2) *CONTENTS OF PRELIMINARY REPORT.*—*The*
15 *preliminary report shall include—*

16 (A) *an assessment of the over-the-road bus*
17 *security grant program;*

18 (B) *an assessment of actions already taken*
19 *to address identified security issues by both pub-*
20 *lic and private entities and recommendations on*
21 *whether additional safety and security enforce-*
22 *ment actions are needed;*

23 (C) *an assessment of whether additional leg-*
24 *islation is needed to provide for the security of*
25 *Americans traveling on over-the-road buses;*

1 (D) an assessment of the economic impact
2 that security upgrades of buses and bus facilities
3 may have on the over-the-road bus transpor-
4 tation industry and its employees;

5 (E) an assessment of ongoing research and
6 the need for additional research on over-the-road
7 bus security, including engine shut-off mecha-
8 nisms, chemical and biological weapon detection
9 technology, and the feasibility of
10 compartmentalization of the driver; and

11 (F) an assessment of industry best practices
12 to enhance security.

13 (3) CONSULTATION WITH INDUSTRY, LABOR, AND
14 OTHER GROUPS.—In carrying out this section, the
15 Secretary shall consult with over-the-road bus man-
16 agement and labor representatives, public safety and
17 law enforcement officials, and the National Academy
18 of Sciences.

19 (h) FUNDING.—Out of funds appropriated pursuant to
20 section 114(u)(2) of title 49, United States Code, there shall
21 be made available to the Assistant Secretary of Homeland
22 Security (Transportation Security Administration), to
23 carry out this section—

24 (1) \$50,000,000 for fiscal year 2007;

25 (2) \$50,000,000 for fiscal year 2008; and

1 (3) \$50,000,000 for fiscal year 2009.

2 *Amounts made available pursuant to this subsection shall*
3 *remain available until expended.*

4 ***TITLE V—IMPROVED MARITIME***
5 ***SECURITY***

6 ***SEC. 501. ESTABLISHMENT OF ADDITIONAL INTERAGENCY***
7 ***OPERATIONAL CENTERS FOR PORT SECU-***
8 ***RITY.***

9 (a) *IN GENERAL.*—*In order to improve interagency co-*
10 *operation, unity of command, and the sharing of intel-*
11 *ligence information in a common mission to provide greater*
12 *protection for port and intermodal transportation systems*
13 *against acts of terrorism, the Secretary of Homeland Secu-*
14 *rity, acting through the Commandant of the Coast Guard,*
15 *shall establish interagency operational centers for port secu-*
16 *rity at all high priority ports.*

17 (b) *CHARACTERISTICS.*—*The interagency operational*
18 *centers shall—*

19 (1) *be based on the most appropriate*
20 *compositional and operational characteristics of the*
21 *pilot project interagency operational centers for port*
22 *security in Miami, Florida, Norfolk/Hampton Roads,*
23 *Virginia, Charleston, South Carolina, and San Diego,*
24 *California;*

1 (2) *be adapted to meet the security needs, re-*
2 *quirements, and resources of the individual port area*
3 *at which each is operating;*

4 (3) *provide for participation by representatives*
5 *of the United States Customs and Border Protection,*
6 *the Transportation Security Administration, the De-*
7 *partment of Defense, and other Federal agencies, as*
8 *determined to be appropriate by the Secretary of*
9 *Homeland Security, and State and local law enforce-*
10 *ment or port security agencies and personnel; and*

11 (4) *be incorporated in the implementation of—*

12 (A) *maritime transportation security plans*
13 *developed under section 70103 of title 46, United*
14 *States Code;*

15 (B) *maritime intelligence activities under*
16 *section 70113 of that title;*

17 (C) *short and long range vessel tracking*
18 *under sections 70114 and 70115 of that title;*

19 (D) *secure transportation systems under*
20 *section 70116 of that title;*

21 (E) *the United States Customs and Border*
22 *Protection's screening and high-risk cargo in-*
23 *spection programs; and*

1 (F) the transportation security incident re-
2 sponse plans required by section 70104 of that
3 title.

4 (c) 2005 ACT REPORT REQUIREMENT.—Nothing in
5 this section relieves the Commandant of the Coast Guard
6 from compliance with the requirements of section 807 of the
7 Coast Guard and Maritime Transportation Act of 2004.
8 The Commandant shall utilize the information developed
9 in making the report required by that section in carrying
10 out the requirements of this section.

11 (d) BUDGET AND COST-SHARING ANALYSIS.—Within
12 180 days after the date of enactment of this Act, the Sec-
13 retary shall transmit to the Senate Committee on Com-
14 merce, Science, and Transportation, the House of Rep-
15 resentatives Committee on Transportation and Infrastruc-
16 ture, and the House of Representatives Committee on
17 Homeland Security a proposed budget analysis for imple-
18 menting subsection (a), including cost-sharing arrange-
19 ments with other Federal departments and agencies in-
20 volved in the interagency operation of the centers.

21 **SEC. 502. AREA MARITIME TRANSPORTATION SECURITY**
22 **PLAN TO INCLUDE SALVAGE RESPONSE PLAN.**

23 Section 70103(b)(2) of title 46, United States Code, is
24 amended—

1 (1) by striking “and” after the semicolon in sub-
2 paragraph (E);

3 (2) by redesignating subparagraph (F) as sub-
4 paragraph (G); and

5 (3) by inserting after subparagraph (E) the fol-
6 lowing:

7 “(F) include a salvage response plan—

8 “(i) to identify salvage equipment ca-
9 pable of restoring operational trade capac-
10 ity; and

11 “(ii) to ensure that the flow of cargo
12 through United States ports is re-established
13 as efficiently and quickly as possible after a
14 transportation security incident.”.

15 **SEC. 503. POST-INCIDENT RESUMPTION OF TRADE.**

16 Section 70103(a)(2)(J) of title 46, United States Code,
17 is amended by inserting after “incident.” the following:

18 “The plan shall provide, to the extent practicable, preference
19 in the reestablishment of the flow of cargo through United
20 States ports after a transportation security incident to—

21 “(i) vessels that have a vessel security plan
22 approved under subsection (c);

23 “(ii) vessels manned by individuals who are
24 described in section 70105(b)(2)(B) and who
25 have undergone a background records check

1 *under section 70105(d) or who hold transpor-*
2 *tation security cards issued under section 70105;*
3 *and*
4 *“(iii) vessels on which all the cargo has un-*
5 *dergone screening and inspection under stand-*
6 *ards and procedures established under section*
7 *70116(b)(2) of this title.”.*

8 **SEC. 504. ASSISTANCE FOR FOREIGN PORTS.**

9 *(a) IN GENERAL.—Section 70109 of title 46, United*
10 *States Code, is amended—*

11 *(1) by striking the section heading and inserting*
12 *the following:*

13 **“§ 70109. International cooperation and coordination”**

14 *; and*

15 *(2) by adding at the end the following:*

16 **“(c) FOREIGN ASSISTANCE PROGRAMS.—**

17 **“(1) IN GENERAL.—***The Secretary, in consulta-*
18 *tion with the Secretary of Transportation, the Sec-*
19 *retary of State, the Secretary of Energy, and the*
20 *Commandant of the United States Coast Guard, shall*
21 *identify foreign assistance programs that could facili-*
22 *tate implementation of port security antiterrorism*
23 *measures in foreign countries. The Secretary shall es-*
24 *tablish a program to utilize those programs that are*
25 *capable of implementing port security antiterrorism*

1 *measures at ports in foreign countries that the Sec-*
2 *retary finds, under section 70108, to lack effective*
3 *antiterrorism measures.*

4 “(2) *CARIBBEAN BASIN.*—*The Secretary, in co-*
5 *ordination with the Secretary of State and in con-*
6 *sultation with the Organization of American States*
7 *and the Commandant of the United States Coast*
8 *Guard, shall place particular emphasis on utilizing*
9 *programs to facilitate the implementation of port se-*
10 *curity antiterrorism measures at the ports located in*
11 *the Caribbean Basin, as such ports pose unique secu-*
12 *rity and safety threats to the United States due to—*

13 “(A) *the strategic location of such ports be-*
14 *tween South America and United States;*

15 “(B) *the relative openness of such ports; and*

16 “(C) *the significant number of shipments of*
17 *narcotics to the United States that are moved*
18 *through such ports.*

19 “(d) *INTERNATIONAL CARGO SECURITY STANDARDS.*—
20 *The Secretary of State, in consultation with the Secretary*
21 *acting through the Commissioner of Customs and Border*
22 *Protection, shall enter into negotiations with foreign gov-*
23 *ernments and international organizations, including the*
24 *International Maritime Organization, the World Customs*
25 *Organization, the International Labor Organization, and*

1 *the International Standards Organization, as appro-*
2 *priate—*

3 “(1) *to promote standards for the security of con-*
4 *tainers and other cargo moving within the inter-*
5 *national supply chain;*

6 “(2) *to encourage compliance with minimum*
7 *technical requirements for the capabilities of non-*
8 *intrusive inspection equipment, including imaging*
9 *and radiation detection devices, established under sec-*
10 *tion 506 of the Transportation Security Improvement*
11 *Act of 2005;*

12 “(3) *to implement the requirements of the con-*
13 *tainer security initiative under section 70121; and*

14 “(4) *to implement standards and procedures es-*
15 *tablished under section 70116.”.*

16 **(b) REPORT ON SECURITY AT PORTS IN THE CARIB-**
17 *BEAN BASIN.—Not later than 180 days after the date of*
18 *enactment of this Act, the Comptroller General shall submit*
19 *to the Senate Committee on Commerce, Science, and Trans-*
20 *portation, the House of Representatives Committee on*
21 *Transportation and Infrastructure, and the House of Rep-*
22 *resentatives Committee on Homeland Security a report on*
23 *the security of ports in the Caribbean Basin. The report—*
24 (1) *shall include—*

1 (A) *an assessment of the effectiveness of the*
2 *measures employed to improve security at ports*
3 *in the Caribbean Basin and recommendations*
4 *for any additional measures to improve such se-*
5 *curity;*

6 (B) *an estimate of the number of ports in*
7 *the Caribbean Basin that will not be secured by*
8 *January 1, 2007, and an estimate of the finan-*
9 *cial impact in the United States of any action*
10 *taken pursuant to section 70110 of title 46,*
11 *United States Code, that affects trade between*
12 *such ports and the United States; and*

13 (C) *an assessment of the additional re-*
14 *sources and program changes that are necessary*
15 *to maximize security at ports in the Caribbean*
16 *Basin; and*

17 (2) *may be submitted in both classified and re-*
18 *dacted formats.*

19 (c) *CONFORMING AMENDMENT.—The chapter analysis*
20 *for chapter 701 of title 46, United States Code, is amended*
21 *by striking the item relating to section 70901 and inserting*
22 *the following:*

“70901. International cooperation and coordination”.

1 **SEC. 505. IMPROVED DATA FOR TARGETED CARGO**
2 **SEARCHES.**

3 (a) *IN GENERAL.*—In order to provide the best possible
4 data for the automated targeting system developed and op-
5 erated by United States Customs and Border Protection
6 under section 70116(b)(1) of title 46, United States Code,
7 that identifies high-risk cargo for inspection before it is
8 loaded in a foreign port for shipment to the United States,
9 the Secretary of Homeland Security, acting through the
10 Commissioner of Customs and Border Protection, shall re-
11 quire importers shipping goods to the United States via
12 cargo container to supply entry data not later than 24
13 hours before loading a container under the advance notifica-
14 tion requirements under section 484(a)(2) of the Tariff Act
15 of 1930 (19 U.S.C. 1484(a)(2)).

16 (b) *DEADLINE.*—The requirement imposed under sub-
17 section (a) shall apply to goods entered after July 1, 2006.

18 (c) *AUTHORIZATION OF APPROPRIATIONS.*—

19 (1) *There are authorized to be appropriated to*
20 *the Secretary of Homeland Security to carry out the*
21 *automated targeting system program to identify high-*
22 *risk oceanborne container cargo for inspection—*

23 (A) \$30,700,000 for fiscal year 2007;

24 (B) \$33,200,000 for fiscal year 2008; and

25 (C) \$35,700,000 for fiscal year 2009.

1 (2) *The amounts authorized by this subsection*
2 *shall be in addition to any other amounts authorized*
3 *to be appropriated to carry out that program.*

4 **SEC. 506. TECHNICAL REQUIREMENTS FOR NON-INTRUSIVE**
5 **INSPECTION EQUIPMENT.**

6 *Within 2 years after the date of enactment of this Act,*
7 *the Commissioner of Customs and Border Protection, in*
8 *consultation with the National Institute of Science and*
9 *Technology, shall initiate a rulemaking to establish min-*
10 *imum technical requirements for the capabilities of non-*
11 *intrusive inspection equipment, including imaging and ra-*
12 *diation detection devices, that help ensure that all equip-*
13 *ment used can detect risks and threats as determined appro-*
14 *priate by the Secretary, while considering the need not to*
15 *endorse specific companies or to create sovereignty conflicts*
16 *with participating countries.*

17 **SEC. 507. RANDOM INSPECTION OF CONTAINERS.**

18 *Within 1 year after the date of enactment of this Act,*
19 *the Commissioner of Customs and Border Protection shall*
20 *develop and implement a plan, utilizing best practices for*
21 *empirical scientific research design and random sampling*
22 *standards for random physical inspection of shipping con-*
23 *tainers in addition to any targeted or pre-shipment inspec-*
24 *tion of such containers required by law or regulation or*
25 *conducted under any other program conducted by the Com-*

1 *missioner. Nothing in this section shall be construed to*
2 *mean that implementation of the random sampling plan*
3 *would preclude the additional physical inspection of ship-*
4 *ping containers not inspected pursuant to the plan.*

5 **SEC. 508. CARGO SECURITY.**

6 *(a) IN GENERAL.—Chapter 701 of title 46, United*
7 *States Code, is amended—*

8 *(1) by redesignating the second section 70118*
9 *(relating to firearms, arrests, and seizure of prop-*
10 *erty), as added by section 801(a) of the Coast Guard*
11 *and Maritime Transportation Act of 2004, as section*
12 *70119;*

13 *(2) by redesignating the first section 70119 (re-*
14 *lating to enforcement by State and local officers), as*
15 *added by section 801(a) of the Coast Guard and Mar-*
16 *itime Transportation Act of 2004, as section 70120;*

17 *(3) by redesignating the second section 70119*
18 *(relating to civil penalty), as redesignated by section*
19 *802(a)(1) of the Coast Guard and Maritime Trans-*
20 *portation Act of 2004, as section 70122; and*

21 *(4) by inserting after section 70120 the fol-*
22 *lowing:*

23 **“§ 70121. Container security initiative**

24 *“(a) IN GENERAL.—Pursuant to the standards estab-*
25 *lished under subsection (b)(1) of section 70116—*

1 “(1) *the Secretary, through the Commissioner of*
2 *Customs and Border Protection, shall issue regula-*
3 *tions to—*

4 “(A) *evaluate and screen cargo documents*
5 *prior to loading in a foreign port for shipment*
6 *to the United States, either directly or via a for-*
7 *foreign port; and*

8 “(B) *inspect high-risk cargo in a foreign*
9 *port intended for shipment to the United States*
10 *by physical examination or nonintrusive exam-*
11 *ination by technological means; and*

12 “(2) *the Commissioner of Customs and Border*
13 *Protection shall execute inspection and screening pro-*
14 *ocols with authorities in foreign ports to ensure that*
15 *the standards and procedures promulgated under*
16 *paragraph (1) are implemented in an effective man-*
17 *ner.*

18 “(b) *EXTENSION OF CONTAINER SECURITY INITIATIVE*
19 *TO OTHER PORTS.—The Secretary, through the Commis-*
20 *sioner of Customs and Border Protection, may designate*
21 *foreign seaports under this section if, with respect to any*
22 *such seaport, the Secretary determines that—*

23 “(1) *the seaport—*

24 “(A) *presents a significant level of risk;*

1 “(B) is a significant port or origin or
2 transshipment, in terms of volume or value, for
3 cargo being imported to the United States; and

4 “(C) is potentially capable of validating a
5 secure system of transportation pursuant to sec-
6 tion 70116; and

7 “(2) the Department of State and representatives
8 of the country with jurisdiction over the port have
9 completed negotiations to ensure compliance with the
10 requirements of the container security initiative.

11 “(c) *AUTHORIZATION OF APPROPRIATIONS.*—There are
12 authorized to be appropriated to the Secretary to carry out
13 this section—

14 “(1) \$142,000,000 for fiscal year 2007;

15 “(2) \$144,000,000 for fiscal year 2008; and

16 “(3) \$146,000,000 for fiscal year 2009.”.

17 (b) *CONFORMING AMENDMENTS.*—

18 (1) *The chapter analysis for chapter 701 of title*
19 *46, United States Code, is amended by striking the*
20 *items following the item relating to section 70116 and*
21 *inserting the following:*

 “70117. *In rem liability for civil penalties and certain costs*

 “70118. *Withholding of clearance*

 “70119. *Firearms, arrests, and seizure of property*

 “70120. *Enforcement by State and local officers*

 “70121. *Container security initiative*

 “70122. *Civil penalty*”.

1 (2) *Section 70117(a) of title 46, United States*
2 *Code, as redesignated by subsection (a)(3) of this sec-*
3 *tion, is amended by striking “section 70120” and in-*
4 *serting “section 70122”.*

5 (3) *Section 70118(a) of such title is amended by*
6 *striking “under section 70120,” and inserting “under*
7 *that section,”.*

8 (4) *Section 111 of the Maritime Transportation*
9 *Security Act of 2002 is repealed.*

10 **SEC. 509. SECURE SYSTEMS OF INTERNATIONAL INTER-**
11 **MODAL TRANSPORTATION.**

12 *Section 70116 of title 46, United States Code, is*
13 *amended—*

14 (1) *by striking “transportation.” in subsection*
15 *(a) and inserting “transportation—*

16 *“(1) to ensure the security and integrity of ship-*
17 *ments of goods to the United States from the point at*
18 *which such goods are initially packed or loaded into*
19 *a cargo container for international shipment until*
20 *they reach their ultimate destination; and*

21 *“(2) to facilitate the movement of such goods*
22 *through the entire supply chain through an expedited*
23 *security and clearance program.”; and*

24 (2) *by striking subsection (b) and inserting the*
25 *following:*

1 “(b) *PROGRAM ELEMENTS.—In establishing and con-*
2 *ducting the program under subsection (a) the Secretary,*
3 *acting through the Commissioner of Customs and Border*
4 *Protection, shall—*

5 “(1) *establish standards and procedures for*
6 *verifying, at the point at which goods are placed in*
7 *a cargo container for shipping, that the container is*
8 *free of unauthorized hazardous chemical, biological, or*
9 *nuclear material and for securely sealing such con-*
10 *tainers after the contents are so verified;*

11 “(2) *establish standards and procedures for*
12 *screening and evaluating cargo prior to loading in a*
13 *foreign port for shipment to the United States either*
14 *directly or via a foreign port;*

15 “(3) *establish standards and procedures for se-*
16 *curing cargo and monitoring that security while in*
17 *transit;*

18 “(4) *develop performance standards to enhance*
19 *the physical security of shipping containers, includ-*
20 *ing performance standards for seals and locks;*

21 “(5) *establish standards and procedures for allow-*
22 *ing the United States Government to ensure and vali-*
23 *date compliance with this program; and*

1 “(6) incorporate any other measures the Secretary
2 considers necessary to ensure the security and integ-
3 rity of international intermodal transport movements.

4 “(c) *BENEFITS FROM PARTICIPATION.*—The Commis-
5 sioner of Customs and Border Protection may provide expe-
6 dited clearance of cargo to an entity that—

7 “(1) meets or exceeds the standards established
8 under subsection (b); and

9 “(2) certifies the security of its supply chain not
10 less often than once every 2 years to the Secretary.”.

11 **SEC. 510. PORT SECURITY USER FEE STUDY.**

12 *The Secretary of Homeland Security shall conduct a*
13 *study of the need for, and feasibility of, establishing a sys-*
14 *tem of oceanborne and port-related intermodal transpor-*
15 *tation user fees that could be imposed and collected as a*
16 *dedicated revenue source, on a temporary or continuing*
17 *basis, to provide necessary funding for the improvement*
18 *and maintenance of enhanced port security. Within 1 year*
19 *after date of enactment of this Act, the Secretary shall sub-*
20 *mit a report to the Senate Committee on Commerce,*
21 *Science, and Transportation, the House of Representatives*
22 *Committee on Transportation and Infrastructure, and the*
23 *House of Representatives Committee on Homeland Security*
24 *that—*

1 (1) contains the Secretary's findings, conclu-
2 sions, and recommendations (including legislative rec-
3 ommendations if appropriate); and

4 (2) includes an assessment of the annual amount
5 of customs fees and duties collected through ocean-
6 borne and port-related transportation and the amount
7 and percentage of such fees and duties that are dedi-
8 cated to improve and maintain security.

9 **SEC. 511. DEADLINE FOR TRANSPORTATION SECURITY**
10 **CARDS.**

11 *The Secretary shall issue a final rule under section*
12 *70105 of title 46, United States Code, no later than Janu-*
13 *ary 1, 2007.*

14 **SEC. 512. PORT SECURITY GRANTS.**

15 (a) *BASIS FOR GRANTS.*—Section 70107(a) of title 46,
16 *United States Code, is amended by striking “for making*
17 *a fair and equitable allocation of funds” and inserting*
18 *“based on risk and vulnerability”.*

19 (b) *ELIGIBLE COSTS.*—Section 70107(b) of title 46,
20 *United States Code, is amended by striking paragraph (1)*
21 *and redesignating paragraphs (2) through (4) as para-*
22 *graphs (1) through (3), respectively.*

23 (c) *LETTERS OF INTENT.*—Section 70107(e) of title 46,
24 *United States Code, is amended by adding at the end the*
25 *following:*

1 “(5) *LETTERS OF INTENT.*—*The Secretary may*
2 *execute letters of intent to commit funding to port*
3 *sponsors from the Fund.*”.

4 **SEC. 513. CUSTOMS-TRADE PARTNERSHIP AGAINST TER-**
5 **RORISM SECURITY VALIDATION PROGRAM.**

6 (a) *IN GENERAL.*—*Chapter 701 of title 46, United*
7 *States Code, as amended by section 508 of this title, is fur-*
8 *ther amended—*

9 (1) *by redesignating section 70122 (as redesign-*
10 *ated by section 508(a)(3) of this title) as section*
11 *70123; and*

12 (2) *by inserting after section 70121 the fol-*
13 *lowing:*

14 **“§ 70122. Customs-Trade Partnership Against Ter-**
15 **rorism validation program.**

16 “(a) *VALIDATION; RECORDS MANAGEMENT.*—*The Sec-*
17 *retary of Homeland Security, through the Commissioner of*
18 *Customs and Border Protection, shall issue regulations—*

19 “(1) *to strengthen the validation process to verify*
20 *that security programs of members of the Customs-*
21 *Trade Partnership Against Terrorism have been im-*
22 *plemented and that the program benefits should con-*
23 *tinue by providing appropriate guidance to special-*
24 *ists conducting such validations, including estab-*
25 *lishing what level of review is adequate to determine*

1 *whether member security practices are reliable, accu-*
2 *rate, and effective; and*

3 “(2) to implement a records management system
4 *that documents key decisions and significant oper-*
5 *ational events accurately and in a timely manner, in-*
6 *cluding a reliable system for—*

7 “(A) documenting and maintaining records
8 *of all decisions in the application through vali-*
9 *dation processes, including documentation of the*
10 *objectives, scope, methodologies, and limitations*
11 *of validations; and*

12 “(B) tracking member status.

13 “(b) *HUMAN CAPITAL PLAN.*—Within 6 months after
14 *the date of enactment of the Transportation Security Im-*
15 *provement Act of 2005, the Secretary shall complete a*
16 *human capital plan, that clearly describes how the Cus-*
17 *toms-Trade Partnership Against Terrorism program will*
18 *recruit, train, and retain sufficient staff to conduct the work*
19 *of the program successfully, including reviewing security*
20 *profiles, vetting, and conducting validations to mitigate*
21 *program risk.”.*

22 “(b) *AUTHORIZATION OF APPROPRIATIONS.*—There are
23 *authorized to be appropriated to the Secretary of Homeland*
24 *Security to carry out section 70122 of title 49, United*
25 *States Code, not to exceed—*

1 (1) \$60,000,000 for fiscal year 2007;

2 (2) \$65,000,000 for fiscal year 2008; and

3 (3) \$72,000,000 for fiscal year 2009.

4 (c) *CONFORMING AMENDMENT.*—*The chapter analysis*
 5 *for chapter 701 of title 46, United States Code, as amended*
 6 *by section 508(b) of this title, is further amended by strik-*
 7 *ing the item relating to section 70122 and inserting the fol-*
 8 *lowing:*

“70122. Customs-Trade Partnership Against Terrorism validation program
 “70123. Civil penalty”.

9 **SEC. 514. WORK STOPPAGES AND EMPLOYEE-EMPLOYER**
 10 **DISPUTES.**

11 *Section 70101(6) is amended by inserting after “area.”*
 12 *the following: “In this paragraph, the term ‘economic dis-*
 13 *ruption’ does not include a work stoppage or other non-*
 14 *violent employee-related action resulting from an employee-*
 15 *employer dispute.”.*

16 **SEC. 515. APPEAL OF DENIAL OF WAIVER FOR TRANSPOR-**
 17 **TATION SECURITY CARD.**

18 *Section 70105(c)(3) of title 46, United States Code, is*
 19 *amended by inserting “or a waiver under paragraph (2)”*
 20 *after “card”.*

21 **SEC. 516. INSPECTION OF CAR FERRIES ENTERING FROM**
 22 **CANADA.**

23 *K**Within 120 days after the date of enactment of this*
 24 *Act, the Secretary of Homeland Security, acting through*

1 *the Commissioner of Customs and Border Protection, in co-*
2 *ordination with the Secretary of State, and their Canadian*
3 *counterparts, shall develop a plan for the inspection of pas-*
4 *sengers and vehicles before such passengers board, or such*
5 *vehicles are loaded onto, a ferry bound for a United States*
6 *port.*

